THE POLITICAL DISCOURSE IN THE UNITED STATES
AND ITS EFFECTS ON POLICIES TOWARDS YOUNG UNDOCUMENTED IMMIGRANTS

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THESIS PROPOSAL

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Topic Characteristics:

One of the most heated debates surrounding the development of public policy in the United States during the last two decades has been related to the situation of unauthorized immigrants. Politicians, interests groups, research organizations, and community associations, among others, from all sides of the political spectrum have all had important effects on the development and enactment (or lack of) of various proposals to deal with their situation.

A particular sector of the unauthorized immigrants has been the subject of significant debate regarding policies that can affect their current legal situation and future options in the United States since 2001. These are the young people who came illegally to the U.S. as children and have later graduated from high school to face the reality that they do not have the necessary documents to work, apply for grants or pay resident fees to continue post-secondary studies, as well as facing the danger of being deported to a country of origin that is in most cases completely strange to them or having to enter the informal economy and all the risks that represents.
In this thesis, I attempt to provide a recount of some proposals that have been discussed and proposed at a federal and state level in the United States, including the DREAM Act. In addition, I will analyze, using different scholarly articles as well as diverse public statements, how the radical conservative sector of US politics has moved to present an extremist discourse that has prevented the enactment of some of these proposals to address the specific situation of these special unauthorized immigrants. Moreover, I will examine the present situation, as well as possible future possibilities, of the policy development process regarding this particular sector of the undocumented immigrants residing in the United States.

Working hypotheses:

1. Young unauthorized immigrants that came to the United States with their parents should not represent a controversial political issue regarding immigration reform in the United States.
2. The radical conservative political discourse in the United States has become an obstacle in the discussion, development and enactment of effective and comprehensive policies regarding this specific sector of unauthorized immigrants.
3. The different political atmosphere and separate competences has provided for diverse responses and results among states and also, between the two levels of government.

Methodology:

The methodology that will be used in the proposed thesis will be an analytic assessment of scholarly articles, print publications, laws and additional available data, among others. The proposed thesis will also be analytic in nature as to examine the principal goals of immigration policy, as well as practical procedures and regulations, which have been enacted in the United States and some of its states during the 21st Century on the subject of treatment of young unauthorized immigrants present in their territories. The thesis will also be comparative in nature in regard to the policies and practices being put in practice in order to address the pressing conditions of living of unauthorized immigrants in both the federal and state level in the United States, as well as the differing nature of the political atmosphere regarding immigration policies in both entities.

Outline:

1. Introduction
2. Overview of concepts of the immigration discourse
3. Young unauthorized immigrants in the United States and the DREAM Act
   a. Framework of the immigration situation in the United States and statistics
   b. Description of the Condition of Young Undocumented Immigrants
   c. The DREAM Act
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4. The Radical conservative politics and its effects on policies affecting young unauthorized immigrants
a. Background motives for the opposition to favorable policies for undocumented immigrants
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c. Main actors opposing policies in favor of young undocumented immigrants
d. Effects of the conservative political discourse on policies affecting young undocumented immigrants

5. Response to the conservative political discourse
   a. Arguments in favor of comprehensive reforms for young undocumented immigrants
   b. How to defeat the conservative discourse?

6. Conclusion
7. Bibliography

Possible Bibliography:

Agamben, Giorgio. The Coming Community. Minneapolis: University of Minnesota Press. 1993


Foucault, Michel: Genealogía del racismo. De la guerra de las razas al racismo de Estado. Ed. La Piqueta, Madrid, 1992


DECLARATION:

I hereby declare that this thesis is my own work, based on the sources and literature listed in the appended bibliography. The thesis as submitted is 150,706 keystrokes long (including spaces), i.e. 83 manuscript pages.

Rómulo A. Corrada-Rivera

_______________________________________
Signature

In, Prague, Czech Republic, 18th May, 2012
ACKNOWLEDGEMENTS

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Abstract

In this thesis, I attempt to provide a recount of some proposals that have been discussed and proposed at a federal and state level in the United States, including the DREAM Act. These propositions deal with the young people who came illegally to the U.S. as children and have later graduated from high school to face the reality that they do not have the necessary documents to work, apply for grants or pay resident fees to continue post-secondary studies. Furthermore, as a result of their legal condition, these individuals face the danger of being deported to a country of origin that is in most cases completely strange to them or having to enter the informal economy and all the risks that represents. In addition, I will analyze, using different laws, proposals, scholarly articles as well as diverse public statements, how the conservative sector of US politics has moved to present an extremist opposition to these measures. This radical discourse has prevented the enactment of some of these proposals to address the specific situation of these special unauthorized immigrants. Moreover, I will examine the present situation and potential future possibilities of the policy development process regarding this particular sector of the undocumented immigrants residing in the United States.
Anotace

Cílem této mé diplomové práce je shrnout myšlenky, které byly diskutovány a předneseny jak na federální, tak státní úrovni Spojených států amerických, a to včetně dokumentu nazvaného DREAM Act. Tyto předmětné myšlenky a návrhy se týkají mladých lidí, kteří se do Spojených států amerických dostali ilegálně ještě jako děti, vystudovali střední školu, aby nakonec museli čelit realitě, že nedisponují dostatečnými podklady a oprávněními, na jejichž základě by byli oprávněni pracovat, žádat o sociální dávky nebo platit poplatky umožňující studentům pokračovat v řádném studiu na univerzitách. Dále, v důsledku jejich právního postavení, tyto osoby čelí nebezpečí, že budou deportováni do země svého původu, která je jim vsak ve většině případů zcela cizí, popřípadě jsou tito lidé nuceni pracovat za horších pracovních podmínek a s vědomím rizik spojených s jejich právním statusem. Dále budu za využití různých právních předpisů, návrhů, vědeckých prací a různých veřejných prohlášení analyzovat, jak američtí konzervativci prezentuji vůči těmto podkladům extremistické oponentury. Tyto jejich radikální projevy brání přijetí těch návrhů zákonů, které mají pomáhat řešit konkrétní situační ilegálních imigrantů. Navíc se budu ve své diplomové práci věnovat jak současné situaci procesu vývoje politických opatření vztahujících se k tomuto konkrétnímu sektoru ilegálních imigrantů sídlících ve Spojených státech amerických, tak možnými řešeními do budoucna.
“Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp besides the golden door.”

Inscription in the Statue of Liberty in New York

Chapter 1: Introduction

For much of my life, I have been drawn to the phenomenon of immigration in different parts of the world and the conditions of life of those migrants in their new place of living. However, it was during a work experience in the House of Representatives of the United States Congress, as an Intern for Congressman Rául Grijalva of the District 7 of Arizona, that I had the opportunity to come into direct contact with this sector of society, especially with those who are unauthorized in the United States. From that experience, where I met undocumented immigrants and their stories, immigration took the form of a human face in my imagination, a face that I have not been able or wanted to take out of my mind. It is because of this personal experience that I have decided to do this research work about unauthorized immigration in the United States, focusing on the undocumented children and young people dimension.

Migration has been one of the most common and important political and social topics discussed during the last decade in most societies. Even if migration flows have been present in different world societies for centuries, the issue has become an important point of discussion in various countries, mainly in the political and social arena, in the last decades as a result of diverse circumstances. Such discussions differ depending on countries and regions and their own historic experiences with migrants.
The issue of migration entails a profound discussion of many subjects intrinsic to the development and functioning of modern society. Topics, such as historical events, cultural exchanges, traditional flows of persons, economic development, exploitation, racism, political power, among others, have particular consequences and importance to the historic and current debate regarding migration and the treatment of foreigners in each receiving country or political unit.

Immigrants face when arriving to receiving countries not just the difficulties coming from leaving loved ones and their home country behind, but also, the realities of discrimination and economic exploitation. The creation of the illusionary concept of nation entails the existence of a group of individuals that shares a race, history, culture, tradition and land. Migrants, to certain extent, are seen as a threat to the continuous existence and domination of the nation. But at the same time, immigrants, especially when they are not equally legally protected, represent a cheap source of labor, vital to the economic interests of the owners of capital.

However, the discussion subject of migration contains a very broad number of themes and refers to a great variety of human beings with different realities, both as individuals and as groups. Nevertheless, one of the most controversial areas throughout the debate regarding policies and practices of migration by any society and government, and the one that would be the main focus of this research project, is the issue regarding unauthorized or undocumented immigrants.

Most governmental institutions and academic researchers define this group of immigrants as those who “are foreign-born citizens residing in a country without legal residence permit.” (Passel and Cohn, 2011) This group of people could be divided
between those who either entered a country legally but overstayed the authorized allowed
time or those who entered the country without valid documents.

Undocumented immigrants found themselves at a crossroad between conflicting
interests in a society, which includes the importance of the enforcement of a established
legal system, protection of human rights, their economic and social contributions, social
costs, among others. Their lack of “legality” produces a particular reality of
marginalization and exploitation in society, usually creating a condition of failure of full
protection of rights, as well as a sentiment of scariness of coming out of the dark because
of the possible legal and personal consequences. (Sáenz, Menjívar and García, 2011, p.
169-172)

Among the unauthorized immigrants, the children and young people are a
component, which is especially vulnerable because of their particular characteristics.
When deciding to migrate, parents usually choose to take their children with them. This
creates a situation where children, even if they came to the receiving country through
illegal means, they grow up there, establish social connections, in most cases learn the
language and basically have zero connection to their country of origin. Nevertheless,
these undocumented young individuals, because of their illegal condition, lack the
necessary legal status to pursue higher education and/or have access to well-paid
protected jobs. In the end, they are forced into a situation where they have to return to an
original country that is strange to them or stay undocumented and enter the underground
economy with all the risks, which that entails.

The problems relating to unauthorized immigration, including the children and
young persons sector, have created numerous plans and programs, at different levels and
places in societies, to deal with issues related to this matter. Various actors in society, either with governmental or private backgrounds, have taken into action these initiatives.

However, as diverse as the distinctive projects undertaken are, the diversity of the interests and objectives of the groups behind them also reflect the range of political and social views in a society. These changing and sometime conflicting interests have all have an effect on the development and present conditions relating to unauthorized immigrants.

One of the countries where the phenomenon of undocumented immigration is most heatedly debated at different levels of society, from religious, academic, press, local, state, and federal government, among others, is the United States. In that country, the present discussion about immigration is closely related and heavily dominated by the entrance and presence of individuals from a Latin American background, especially by Mexicans, particularly the ones who are there illegally. Even though there is a considerable social and political widespread support for the creation of strong border protection initiatives that would guarantee an organized immigration process, there are significant and controversial differences in responding to the dilemma of how to deal with the large number of undocumented immigrants already living in the country. This controversy extends with a great public exposure to the undocumented children and young individuals.

Besides the numerous and controversial debates regarding which proposals should be undertaken by the United States federal government to deal with this matter, in the past decades, there has been another critical development with regards to the issue of unauthorized immigration. This special dimension is the emergence of a discussion about
the role of states in dealing with this issue. The area of immigration law has long been considered under the control and jurisdiction of the federal government. However, for diverse reasons and with various objectives to be explore further in this research project, a number of states have claimed authority to enact state and county laws and programs related to immigration, including those affecting the people which are the focus of this thesis.

Nonetheless, in the United States, the federal and state initiatives directed at easing and resolving the harsh realities of the undocumented children and young individuals, as well as those aimed at other migrant sectors, have faced the strong and militant opposition of most of the conservative sector of the political spectrum. Moreover, it has pushed and successfully enacted various policies that effectively limit or block their access to diverse state benefits and protections.

Following this, the purpose of this research paper, after presenting an examination of philosophical topics related to the immigration debate, will be to provide an in-depth analysis of laws, programs and other proposals that have been discussed in the United States to deal with the issue of young undocumented immigrants. In addition, there will be a thorough assessment of the conservative political sector and how they affect the public policy process of providing these individuals with a comprehensive reform to ease their special and tragic situation.

This thesis is written from a critical perspective. This research follows the premise of the Critical Theory of “politicize social problems by situating them in historical and cultural contexts.” (Lindlof and Taylor, 2002, p. 56) That is, it is not just intended to describe society, but to criticize it with the purpose of promoting change.
Thus, the objective of this thesis will be, after giving a description of the realities of this group of immigrants and some policy proposals directed to resolve their situation, to present them as a group of individuals that deserve better conditions of life and a better future. Also, I will show the actors and institutions that are preventing these reforms from being enacted and try to unmask the reasons behind their opposition. The goal is to help move the reader to understand that the conditions of living of these young undocumented immigrants are unjust and that comprehensive reforms are needed to address their particular situation.

This research paper will begin with a chapter with an analytical description of some of the most important philosophical conceptions affecting the debate and actions relating to the issue of immigration. Following, the second chapter will present a general background portrayal of the nature of the undocumented immigration situation in the United States. As well, this chapter will contain a study of the particular situation that unauthorized children and young individuals present. Finally, there will be a depiction of several laws and bills that have been proposed and in some cases enacted, at the federal and state level that affects them. The next chapter will examine how and why the conservative political movement in the United States, with their economic connections involved, have affected the political discourse and thus prevented the enactment of the necessary measures to resolve the unique situation that these individuals are living in. The last chapter will provide a response to the opposition presented by the conservative political movement, as well as a defense and suggestions for a social movement to help enact these necessary policies.
Methodology

This Mater’s thesis is a case study that aims to examine the situation of the young undocumented immigrants in the United States. The methodology that will be used throughout this research paper to achieve the purposes and objectives mentioned before will be an analytic assessment of legislation, policy proposals, scholarly articles, print publications, additional available data and interviews with public officials, among others. The thesis will be critical in nature as to scrutinize the current debate regarding immigration policy directed at undocumented young immigrants, as well as the practices and intentions of the conservative political sector in the United States on this subject in order to propose a change to the current paradigm.

This thesis will illustrate some of the concepts that influence the debate regarding immigration, especially with the group of undocumented immigrants, as well as how these notions have been adopted in the political discourse in the United States. This will be a central part of the research, since it has been the conservative political discourse in that country, with their economic interests supporting it, the main roadblock for any enactment of public policies aimed at easing their harsh reality. This thesis will take evidence from various studies carried out by governmental institutions and research organizations to demonstrate the economic and social benefits that the pursuit of a just legal solution for these young undocumented immigrants would create not only for them personally, but for the country as a whole.

Additionally, this thesis will also be comparative in nature as it is intended to establish a distinction between the developments occurring at different levels of government, such as the federal and state level. Finally, the thesis will look at current
experiences and actions in a deductive form in order of providing a recommended roadmap to continue carrying out the search for the enactment of these favorable policies towards young undocumented immigrants.
Chapter 2: Overview of Concepts of the Immigration Discourse

The debate regarding immigration entails a relationship of ideas, views, concepts and considerations that greatly affects points of views regarding the types of laws and decisions that should be adopted to deal with this controversial issue. I consider it essential to do a critical analysis of some concepts that are used in the discussion of the issue of immigration, study their origins and how they contribute to the negative atmosphere and discourse in the political debate towards immigrants, including the sector of young undocumented immigrants in the United States, which is the focus of this thesis.

Some of the concepts that are mostly used in this discussion, and around which I will develop my analysis, are: racism, national states, border, "alien" and illegal. The use and rationale of these terms have a common denominator, which is that owners of capital use them in the process of exploitation of the labor class (Wilson, 1996, p.123-124). These groups, throughout time, have been concerned with establishing a set of power structures that enable them to maintain an economic dominance in society. The common denominator of these concepts is racism. A condition that is “an acceptance of stereotypes, of otherness, of fear, of racial hierarchies.” (Touré, 2012) A racism that is used with the intention of maintaining power, especially, the economic power of some over others (Foucault, 1992). These concepts have “unquestionably influenced the evolution of immigration law and policy in the United States” (Johnson, 1998, p. 1119).

The phenomenon of racism produces in the imaginary of the dominant groups in society an idea of superiority over other groups different from them, such as immigrants. But the racist discourse can be so powerful that using the words of Arturo Escobar (1994,
p. 10) is a “creation of a domain of thought and action” to dominate groups into believing that their reality is naturally inferior and unchanging. In other words, the making of a mental situation where not even the oppressed themselves question the reasons for the unequal treatment received or even prevents the production of a legitimate claim to basic rights that any individual should have by the simple fact of being human.

Racism produces dehumanization. It eliminates any human consideration because it assumes that you are dealing with a non-equal being. In this way, the inhuman conditions of work, poverty wages and denial of real access to education and health systems are justified. The desired result that is achieved is an economic overexploitation. (Foucault, 1992) That is, dehumanizing racism serves to achieve the goal of economic overexploitation.

The concept of exploitation, as used by Karl Marx, explains how the owners of capital are enriched. It is important to point out that one of the most important features of capitalism, especially in its most radical form of speculative business, is the search of “short term profits.” This characteristic, according to economist Francisco Catalá, creates a situation where “it is by definition impossible to have any commitment with whatever or whoever” (2007, p. 37).

The exploitation must be understood as a relationship, one that is between capital and labor. Marx describes it as: “The worker receives means of subsistence in exchange for his labour power, but the capitalist receives in exchange for his means of subsistence labour, the productive activity of the worker, the creative power whereby the worker not only replaces what he consumes but gives to the accumulated labour a greater value than it previously possessed.” (Tucker, 1978, p. 209) In the analysis of the exploitation
condition, the human work force should be seen as another commodity in the market, with the unique distinction of being the only one that is a creator of wealth by itself. Exploitation occurs because the price paid for human labor is set the same way as other commodities in the market, that is, by what it cost to produce it and not by the wealth that it is able to produce. In other words, exploitation is the capitalist appropriation of the surplus wealth created by the holder of the work force, the employee. (Bottomore, 1991, p. 183)

In the case of undocumented immigrants, exploitation increases. Studies have shown that immigrants make considerable contributions to the economic growth and public finances and are known for working long hours and in poor conditions of work. (Gupta and Omniyi, 2007, p. 22) In their situation, they are not paid the normal market price of the country's workforce, which in itself is one of exploitation already, but an even lower one because of the condition of discrimination they suffer, so the surplus wealth generated by the employer is higher. Even more, this group of unauthorized immigrants who already are under a regime of economic exploitation, as I indicated, is denied an equal and complete access to rights and protections that the state provides to the rest of society. They are restricted from obtaining a complete education, adequate health services and public housing programs, among others. They are basically provided with what is strictly necessary to survive. They are paid less because they are symbolically imagined as less than others, even if at the end of the day, they produce the same.

The presence of unauthorized immigrants is used in economies where there is a binding minimum wage regulation, as the United States, to increase production and
capital gains. As a result, capitalists pressure government authorities to tolerate a number of undocumented immigrants. (Berlinschi and Squicciarini, 2011, p. 18) There is a whole legal and governmental apparatus, which justifies and facilitates this racist discriminatory treatment.

One of the strategies (practices) that the owners of capital employ to perpetuate their control has been the effective use of the concept of nation-state. As it is mentioned in the second chapter of Empire by Michael Hardt and Antonio Negri (2000), one of the key aspects of the idea of a nation is that it serves as a substitute mechanism of the monarch to achieve the totalitarian objective of regularity, order and command it aspires to and which defines what the State is. This regularity, order and command are for the ones the State considers deserving, the members of a given Nation, thus excluding outsiders, such as immigrants. That is because there has been a social development where a nation imagines itself as a homogenous group of individuals sharing a common territory. Hardt and Negri define the national as “a cultural, integrating identity, founded on a biological continuity of blood relations, a spatial continuity of territory, and linguistic commonality” (2000, 95).

Even if the idea of the national state can impose controls to the capital, paradoxically it also allows for the establishment of a number of conditions that produce the strengthening of capital. The state, with all its administrative organization, produces a legal montage on which the necessary structures are created to ensure the perpetuity of the economic power of the owners of capital. (Hardt and Negri, 2000) That is, it gives a cloak of legality that covers the exploitation, and in the particular case that concerns me, the overexploitation and neglect of young undocumented immigrants.
In this process of dehumanization, a number of tools and processes are invented to denigrate the immigrant. The expected result is to achieve an illusion in the nonimmigrant that the immigrant is less human than him and different, which will prevent the emergence of moral considerations with the treatment given, since he is not like me. This fantasy of creating differences between groups of people based on their origin is created in the sense of that illusionary idea of the existence of a nation of individuals with suppose shared background, tradition and culture. As Hardt and Negri mention in their book Commonwealth, this search for common conditions of citizens is based “in the corrupt form of love, which is the identitiary love, that is, the love of the same” (2009, p. 191). Moreover, they point out that “the love for a race or the national love or patriotism, are similar examples of the pressure to love more those who are more similar to you, and, therefore, less to those who are different.” (2009, p. 192)

The creation of the illusion of a nation serves, in the end, to divide ones from others. It helps to create the notion that the whole population be represented as “one group, one race or one hegemonic class” (Hardt and Negri, 2000, p. 103). It facilitates to dilute the possible and manifest internal differences between its members, which will consider themselves as one in respect to other groups with a different national background - in the case study of this thesis, white Americans against immigrants, and most commonly in the social imaginary, brown Mexicans. (Johnson, 2004)

Grouping other individuals in a single race group also does this action or illusion of wanting to create big homogenic groups, thus, differentiating one, the original, and the other, the outsider. One of most notable cases is the common idea of a single Latino culture or race in the United States. There are over 20 countries that form what is known
as Latin America and even though these countries share some common history and traditions, there are others that differentiate them greatly. Even more, more than half of these individuals reject the notion of being call Latino or Hispanic, while preferring to identify themselves with their country of origin. (Taylor, et al., 2012, p. 9) However, the impression in mainstream discussions in the United States seems to be of acceptance of the existence of this fabricated race or ethnic group.

The use of borders is another practice that accompanies the creation of nation states. The border can be defined as an imaginary division created to specify the territorial limits of a state. The border serves to mark the limits of the territory of each country and in the same way, is used to set controls of who can enter the territory and who cannot, but above all, as mentioned above, invents the concept of a foreigner. It is the tool to separate geographically that nation-body and thus create a common territory. (Altagracia, 2010, p. 24) As Sarah Radcliffe and Sallie Westwood establish “the boundaries between nations reinforce territorial segmentation at the same time as they reinforce notions of purity and sameness within the territory, and difference and impurity outside the territory.” (1996, p. 23) Thus, within the legal framework of international law, it differentiates between groups of human beings. These differences have been used throughout time as a basis to justify the unequal treatment of people with a national or family origin that is not the same as the one the nationals of a receiving state. In other words, borders are the foundation of a rational-legal discourse that justifies the invention of the immigrant, and of course, with the result that they are not recognized with equal rights. It is with the intention of the creation of a space of exclusivity, and therefore, of exclusion. (Altagracia, 2010, p. 29)
Nevertheless, it could be increasingly questioned not only whether borders should exist, but also if they actually achieve the separation of people in the present day. Technological advances have facilitated the movement of people from one country to another; additionally the development of Internet and other media have made people to be more in touch with the rest of the world. This new reality, together with the practice of most immigrants to settle in communities with high presence of people from their same countries and continue to practice the traditions of their original countries, calls into question whether the traditional physical boundaries have weaken in their raison d'etre, that of creating a space of exclusivity and exclusion.

As a result, what is really a border, the Rio Grande between Texas and Mexico or the computer and mobile, or the desert between Arizona and Mexico or the large Mexican communities present in the state? It can be established that these new "borders" have served to help destroy, in a sense, the traditional boundaries and their functions. That is, to what extent a country like the United States could be considered a place of just one specific "nation"?

However, the capital resists and is still working to adapt to this reality and continue to exploit these people that it considers as foreigners, especially those who are undocumented. Even if borders are used to exclude everything that is not “culturally familiar” (Altagracia, 2010, p. 37); throughout history, diverse minority groups have been present in various countries and the state and capital have adapted to continue their dominant positions. An example of this is the situation of black groups in the United States. Charles W. Mills (2010) states that blacks in the United States, even if their culture could be consider “popular;” are still excluded politically and are discriminated
against. Mills affirms that “after all, US popular culture, and to a significant extent – with
the planetary success of hip-hop – global popular culture, is now to a high degree ‘black.’
But this striking spread of African-American cultural influence has not meant equal
political representation in governing bodies and equal access to opportunities for the
black population as a whole” (2010, p. 208). The form that the dominant and
conservative sector adapts in the case of unauthorized immigrants is the one we saw
earlier: dehumanization of the immigrant.

The process to dehumanize the immigrant consists of a complex combination of
laws, practices and the invention of concepts to denigrate them, and equally important, to
help the receiving nation establish the necessary distance between them and the others.
An example of this is the use of various expressions to mention and differentiate the
immigrant. One of the terms used in the discourse of immigration is "alien" to refer to
undocumented immigrants. Kevin Johnson, in a study of immigration in the United
States, establishes that the use of this concept in that country, which is also popularly
used to refer to possible creatures from other planets, aims to create a public image that
these individuals are not equal and therefore do not deserve the same privileges and
rights. It is a derogatory manner to indicate differences between social groups that leads
to denigrate the other, and that in turn, achieves the quiet moral feeling of no guilt for the
exploitation, since the other is not an equal. (Johnson, 2004, p. 158)

Another used concept is “illegal”. Among immigrants, there is a group that suffers
more strongly the dehumanization and social inequality. These are immigrants who are
illegally in the country, either because they entered legally but stayed after the expiration
of the term for which they had permission or simply because they entered illegally. In an
opinion piece in The New York Times, renowned journalist Lawrence Downes, makes an
interesting distinction about the ways in which this concept can be used. “America has a
big problem with illegal immigration, but a big part of it stems from the word “illegal.” It
pollutes the debate. It blocks solutions. Used dispassionately and technically, there is
nothing wrong with it. Used as an irreducible modifier for a large and largely decent
group of people, it is badly damaging. And as a code word for racial and ethnic hatred, it
is detestable.” (Downes, 2007) Why it is detestable? Because it contributes to further
dehumanization.

The use of "illegal" to describe the immigration status of a particular person
should not pose any problem, since it is a representation of the reality of the person with
respect to the legal order of the receiving country. The problem arises when used to
describe not the status, but the person himself as such. It is increased when the term is
directed principally to identify a specific ethnic group, in the case of the United States,
people of Mexican descent. (Johnson, 2004, p. 158) When there is passion and contempt
by using this term, then it achieves the goal of denigrating the other. There is an intention
to present the immigrant as an illegal, in other words, as a criminal. It subconsciously
creates, as Carlos Altagracia states, the idea of a threat to the “health of the nation.” That
is, a danger to the natural development of the nation. (2010, p. 31) It is this connotation
of being a criminal that does the most harm to unauthorized immigrants. It is difficult to
gain support from society to improve the lives of a group of people who are labeled as
"criminals" and threatening the well being of the country.

As a result of this perception, much of the legislation introduced to achieve a
better quality of life for these people is facing immense opposition that questioned why
any “non-obedient of the law” deserve rights or privileges. (Caestecker, 2000, p. xix) As I indicated, the rationale for the continuous viciously use of the word “illegal” is to continue to maintain control, economic power and advantage of each of those individuals.

All of these concepts and views mentioned before, in order to provide the desired result of continuing the economic exploitation and prevent the emergence of an outcry protest, need to have a widespread acceptance in society. In order to achieve this, owners of capital have used numerous tools. One of this is the use of coalitions of members and instruments of diverse sectors of society to carry the message. Christopher Weible and Paul Sabatier argue that policy communities of experts and others that share common interests and concerns relating to certain issues get together in coalitions to influence and bring change in public policy. These coalitions advocate for policies in the public discourse, thus “influencing the policy agenda-setting and policy formulation faces of the policy making process.” (Weible and Sabatier in Fischer, Miller and Sidney, 2007, p. xxi)

In case of young authorized immigrants, the creation of coalitions in the sense explained by Sabatier and Weible are quite clear and include community and interest groups, media outlets, research institutions, think tanks and public officials at all levels, including the highest, President of the United States.

However, even if this thesis concentrates on the specific case of young unauthorized immigrants in the United States, this phenomenon of racism by national origin in the purpose of achieving economic exploitation is repeated worldwide and targets: Guatemalans and Salvadorans in Mexico, Haitians in the Dominican Republic, Algerians in France, among others. (Sayad, 2004)
Nonetheless, there are examples of groups that have faced racism due to their supposedly immigrant condition who have fought back against the forces that were oppressing them. I believe they can serve as examples for immigrants worldwide, including the unauthorized young immigrants in the United States, in how to organize and respond to demand equal rights. One of these groups that I find very interesting are the black communities in the Colombian Pacific. These communities have a population of around 900,000 people and they live in an area of around 70,000 km², extending from the border with Panama until the border with Ecuador and from the Andes to the coast. (Grueso, Rosero and Escobar, 1998, p. 198). For the following analysis, I will use as a reference the article “The Process of Black Community Organizing in the Southern Pacific Coast Region of Colombia” by Libia Grueso, Carlos Rosero and Arturo Escobar. (1998)

For many years, these communities of descendants of Africans that were forced to migrate to the region suffered racism due to their origin. The exploitation and lack of rights to the land where they lived was justified not only by their skin color, but also by their origin. They were not recognized with the same rights to the land that had been granted to indigenous groups under the pretext that they were not native or originating in Colombia. Although it seems somewhat ironic, they were treated unequally by their supposedly immigrant status, even after centuries of presence there.

However, since the late 1980’s and mainly in the decade of the 1990’s, in the Pacific coast of Colombia there emerged a strong social movement on the part of ethnic groups, mostly blacks, who had traditionally been marginalized. This movement took place in an important historical moment in Colombia. On one hand, there was a radical
economic liberalization process organized by the state with a resulting openness to the
global market systems. In addition, during that time around 1991, some important
reforms to the Constitution were adopted. These amendments included the granting of
collective rights to the black communities to the lands that they had traditionally lived in.
This action by the government represented an acceptance from the same state of an
existence of a multiplicity of identities and their rights within Colombian society.

These groups got united to present demands to both, the Colombian government
and the global economic interests, to be taken into account during the planning of these
processes of change. These communities, using precisely the rights of identity and
territory that were recognized in the amendments to the 1991 Constitution, openly
challenged the traditional models of modernization that were attempted to be established
in this region. As it is mentioned by Grueso, Rosero and Escobar, "Through the
appropriation of territory and cultural affirmation, this social movement seeks to resist
the attack of capital and development in their area." (1998, p. 197)

It is important to point out that these groups did not entirely reject changes, but
they understood that to have a process that is fair, sustainable and that meets the needs
and aspirations of the inhabitants of this region, the views of the residents must be taken
into account. These black communities have been searching for alternative methods of
change that do not reflect the views or interests of outside powers, but their own desires
and objectives.

The positive outcome of the black communities in Colombia is an example that
sadly is not repeated very often in the world, where a traditionally oppressed group,
because of their origin, have joined, demanded fair treatment from the state and achieved
a change in legislation that recognize their legality and equality. Unfortunately, situations, where a transformation in the legal and social sphere to achieve an end to the injustices and exploitation of one class, are very few. In most cases, the owners of capital have been able to maintain control over these classes they consider inferior.

In the following chapters, I will discuss how the presence and interrelation of the concepts and views mentioned before have conditioned greatly the discourse relating to young unauthorized immigrants living in the United States, through the process of debate and enactment of legislation to improve their situation. Their conditions of living as dehumanized individuals not only affects their life and future perspective, but reflects the reality of an on going process of denigration and exploitation present in the United States society.
Chapter 3: Young Unauthorized Immigrants in the United States and the DREAM Act

3.1 Framework of the Immigration Situation in the United States and Statistics

After the previous analytical description of some of the most important philosophical conceptions affecting the debate and actions relating to the issue of immigration, I will move to a specific examination of the immigration situation in the United States, especially with respect to the unauthorized young immigrants. As mentioned, one of the countries with all the different components and motivations discussed in the previous chapter where the phenomenon of unauthorized immigration is most heatedly debated at different levels of society, from religious, academic, press, local, state, and federal government, among others, is the United States.

This country, in its origin, was created based on the acceptance of people from diverse backgrounds, especially those persecuted, poor and in search of liberty. The Inscription in the Statue of Liberty in New York, with its “give me your tired, your poor, your huddled masses yearning to breathe free…” is a symbol and example of this acceptance. However, over the years, a gap has been created between the children of those original immigrants and new immigrants, especially with the unauthorized immigrants or so-called "illegal aliens." A fact important to point out is that there is a significant difference between that old and new immigration; where “the "old" immigration was overwhelmingly European and white, while the present inflow is, to a large extent, nonwhite and comes from countries of the Third World. (Portes, 2010)

A considerable group of citizens, organizations and politicians want to establish a stop to the flow of people wanting to enter the United States, as well as, reducing the
number of individuals already living outside the legal requirements in the country. Most point to security, cultural and fiscal reasons to support their position against these immigrants. (Edmonton and Lee, 1994) On the other hand, even if the number of yearly illegal entries is diminishing, there are an impressive number of people who see the United States as their only chance of survival and are willing to risk everything, including their lives, to achieve the so-called "American Dream." (Passel and Cohn, 2011) Most of the times, these prospective immigrants are encouraged by opinions of immigrants already in the United States, who, according to studies, in large proportions believe that in that country they have much better opportunities to improve their lives than in their home countries. (Taylor, et als. 2012, p. 3) Moreover, most of these immigrants come to work and contribute through various means to the functioning of the economic system of the country. (Hinojosa-Ojeda and Fitz, 2011)

There have been important debates and initiatives regarding the effects of immigration to the United States, be it legal or illegal, especially from those with a Latino background. One of the most constant arguments has been the presence of a harassing “Latino threat” to the United States. In that country, the present debate about immigration is closely related and heavily dominated by the entrance and presence of individuals from a Latin American background, especially by Mexicans, particularly the ones who are there undocumented. (Ngai, 2004, p. 2) As Leo Chavez states, the idea that Latinos represent a threat to the development of the so-called American nation has been in mainstream debates in different circles of society, promoted by influential thinkers, notably including Samuel P. Huntington. (2008, p. 21) Huntington, in a much-debated article in the magazine Foreign Policy titled *The Hispanic Challenge* argued that “unlike
past immigrant groups, Mexicans and other Latinos have not assimilated into mainstream U.S. culture, forming instead their own political and linguistic enclaves - from Los Angeles to Miami – and rejecting the Anglo-Protestant values that built the American dream.” (2004)

As it can be seen by the quote of Huntington, these opposition arguments regarding immigration go not only to the extent of the legal status of the individual, but are directed to the individual and community actions, traditions and culture per se. In essence, it goes against their “foreign” presence in the land. It follows the intention of creating the illusion of a homogeny in the nation, the love for the same and the rejection of the different that was discussed in the previous chapter. However, for purposes of this investigation, even if I recognized that much of the elements discussed affects all immigrants, be them legal or undocumented, I will concentrate on the dimension of the unauthorized presence in the United States and how that discourse towards immigrants is affecting the living situation of a specific sector of the population.

The problems relating to undocumented immigration have created numerous plans, policy proposals and programs, at different levels and places in societies, to deal with issues related to this matter. As it was noted in one of President Obama’s landmark speeches about immigration on May 10, 2010 in El Paso, Texas, most actions can be divided in two big groups: ones dedicated to stop the continuous flow of immigrants entering illegally to the country by protecting and controlling the borders; and others committed to address the situation of unauthorized immigrants already present in the jurisdiction of the country. (Obama, 2010).
It can be concluded by the statements and actions of politicians and other social and state actors that there is a considerably social and political widespread support for the creation of strong border protection initiatives that would produce a safer and better organized immigration process. Nonetheless, there are significant and controversial differences in responding to the dilemma of how to deal with the large number of unauthorized immigrants already living in the country.

In relation to that, it is necessary to understand the divisions and scopes of action between the federal and state governments with regard to the issue of immigration. One of the key features of a federal type of government is the supremacy of the federal law over the state law. In the United States, this principle is clearly established in the so-called Supremacy Clause of the Constitution (U.S. Const., art. VI, sec. 2), which states, that the Constitution and the laws of the United States shall be the supreme law of the country. This means, “the Supremacy Clause invalidates state laws that interfere with or are contrary to federal law.” (Mckanders, 2007, p. 21)

Since the period after the Civil War, around 1865, immigration, with legislation regulating the admission and removal of non-citizens, became a field occupied by the federal government. (Motomura, 2010, p. 1729) However, the extent of the preemptive nature of federal immigration law, the legality of enforcement by state actors of that federal law and the scope of action of states with regard to issues involving immigrants present in their jurisdiction have been the subject of continuous legal discussions in the country. Even if it has been clearly established by the Supreme Court that the ultimate decision regarding the admission or removal of an individual resides in federal institutions, the constitutionality of the enforcement of federal immigration law by state
officers and state laws regulating aspects of immigrants’ life such as access to education, health, work protection, etc. is not that clear. (Wishnie, 2004).

As Yale law professor Michael Wishnie (2004, p. 1090-1095) explains, the question about the scope of the state or local authority to enforce federal immigration laws have not been answered by the courts. However, in 2002, under the Republican Presidency of George W. Bush and with Alberto Gonzales as Attorney General, in an effort to expand the role of state and local governments and encourage their involvement in the enforcement of immigration law, the Department of Justice, in a dramatic changed from longstanding principles, concluded that “states have the inherent authority as sovereigns to enforce immigration laws.” (Mckanders, 2007, p. 15) In spite of that, the Supreme Court has not rule on this issue, but a number of legal scholars disagree with the conclusions of the Department of Justice under Alberto Gonzales. As Wishnie (2004, p. 1095) expresses, “the Department of Justice’s conclusion contradicts the century-old understanding that regulating immigration is an exclusively federal function and enforcing federal immigration rules is reserved for federal officials.” Furthermore, “it is evident that Congress’s extensive regulation of immigration law and enforcement preempts any state or local enforcement. This is clear from the several statutory provisions enacted explicitly to permit state and local immigration enforcement in narrowly circumscribed areas.” (2004, p. 1092) An example of one of these areas, which will be discussed later in this chapter, was the provision of resident tuition prices for state universities to undocumented immigrants by any state in the country.

In addition, according to Wishnie, the use of state and local officers as immigration agents “threatens severe damage to the social fabric of communities across
the nation.” (2994, p. 1095) The reason for this is that for local authorities, such as police, school officials and others, to do an effective work they need the trust and help of the community. If they are seeing as immigration officers, migrants will fear communicating with them and thus, undermine the public safety and welfare of all living in the country.

Nevertheless, following the encouragement by the Department of Justice in 2002, the number of state and local laws relating to immigration issues have increased significantly in the last 10 years. The National Council of State Legislatures affirms that by April 2007 at least 1,169 immigration-related bills were introduced throughout the fifty states, with the restriction of employment to undocumented workers being the most common focus. (Mckanders, 2007, p. 6) In addition, for the period of 2010 to 2011, 164 anti-immigrants laws were passed by state legislatures. (Gordon and Raja, 2012) Most of these state and local laws limit “access to education, employment, housing, health care, or welfare, or otherwise making life harder for the unauthorized to persuade or force them to leave.” (Motomura, 2010, p. 1730)

One of the most famous of these anti-immigration laws, by its far-reaching persecution of undocumented immigrants and claim of powers by state and local authorities, is the “Support Our Law Enforcement and Safe Neighborhoods Act” (Senate Bill 1070, amended by House Bill 2162) of the state of Arizona. This law, which served as a model for others enacted in various additional states, requires state and local law enforcement agencies to check the immigration status of individuals it encounters and makes it a state crime for non-citizens to fail to carry proper immigration documentation. However, the constitutionality of this legislation was challenged by the U.S. Department of Justice under Attorney General Eric Holder, during the Presidency of Barack Obama.
The Ninth Circuit of the Federal Court of Appeals has upheld an injunction blocking the enforcement of some of the most controversial provisions including: the requirement to officers to make a reasonable attempt to determine the immigration of a person stopped, detained or arrested; and to criminalize non-citizens’ failure to carry alien registration. (American Immigration Council, 2012) This law has been criticized by diverse sectors, such as community, religious and political leaders, like Cardinal Roger Mahony and President Obama, as an instrument for racial profiling and discrimination against Hispanics. On the other hand, supporters, such as Arizona Governor Brewer, see the law as a tool to deal with numerous problems that they believe are provoke by immigrants and that are not being attended by the federal government. (Archibold, 2010) The future of this law and others similar enacted in various states, such as Alabama, are yet to be decided by the court system.

Besides the previous social and legal description of the immigration issue in the United States, to construct an effective and sustained research regarding this debate, it is also important to provide certain statistics to understand and expose the present situation in that country. Statistics are essential because they can help demystify a number of claims regarding the effects, costs and motives of the presence of unauthorized immigrants in the country.

According to numbers announced by the U.S. Census Bureau, in 2010, there were an estimated 37.6 million individuals in the United States that were foreign-born, from which 20.4 million had a Latin American background. Of those, around 11.6 million are originally from Mexico. Also, in 2010, there were living in the United States an estimated 21.6 million individuals, which were not U.S. citizens. This number includes both, those
who are legally and illegally, and represented 7% of the population of the country. Of this number, 10.2% have 18 years or less and 85.9% have 55 years or less. (U.S. Census Bureau, 2011)

Regarding specifically unauthorized immigrants and following a thorough study by Jeffrey Passel and D’Vera Cohn of the Pew Research Center titled Unauthorized Immigration Population: National and State Trends, 2010, the decade of the 1990 saw a significant increase in the number of undocumented immigrants in the United States, from 3.5 million in 1990 to 8.4 million by 2000. During the next years, that number continued to increase until it reached its peak in 2007 with 12 million individuals. Conversely, the next three years the number slowly decreased to achieve 11.2 million in 2010. This number represents 29.8% of all the foreign-born population and 3.7% of all the population of the United States.

It is important to note other interesting findings detailed in this study. From those 11.2 million unauthorized immigrants, 71.4% or 8 million are part of the nation’s workforce, representing 5.2% of the total workforce. That is, they represent a higher percentage of the workforce than of the total population. In addition, according to the study, the main reason for the decrease during the last years of unauthorized immigrants has been the reduction in the sector of the Mexican-born population. Even if Mexicans still represent 58% of all unauthorized immigrants, its total numbers have decreased since 2007 by 500,000 persons. Moreover, it was estimated that during the first half of the past decade, an average of 500,000 Mexicans entered annually by illegal means to the United States. Nevertheless, that number dropped by 70% for the period from March 2007 to
March 2009, where annually an estimated 150,000 Mexicanos entered illegally to the country.

With respect to deportations of unauthorized immigrants, the statistics of the Department of Homeland Security (DHS, 2009), the federal government agency in charge of border security and deportations in the United States, show that in 2009 there were 393,289 removals, the highest number since the recompilation of data started in 1892. A removal is defined by the agency as the “compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal”. However, with respect to “returns”, which according to DHS are “the confirmed movement of an inadmissible or deportable alien of the United States, not based on an order of removal; most of the voluntary returns are of Mexican nationals who have been apprehended by the U.S. Border Patrol and are returned to Mexico,” there were 580,107 in 2009. Returns, for the most part, represent the people that are caught trying to cross a border illegally and who are sent back to their home country. This number is decreasing significantly the last years, representing in 2010 almost 50% of the total “returns” of 2006, and the lowest number since 1972. In both removals and returns, Mexicans nationals represent significantly the largest component.

Another central statistic studied by Jeffrey Passel and D’Vera Cohn, which is one of the main sources of controversy regarding legal initiatives intending to legalize to a certain extent a number of unauthorized immigrants in the United States, is the number of births to parents, where at least one of them is undocumented. It is vital to point out that Section 1 of the Fourteen Amendment of the United States Constitution (U.S. Const. Amend. XIV, § 1), also known as the Citizen Clause, establishes that “all persons born or
naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” This has been understood by the Supreme Court as granting citizenship to every individual born in the country, not taking into account the citizenship or legality of his/her parents. As a result, a group of critics of unauthorized immigrants argue that many of them come to the United States expressly to give birth to a child that will be a citizen and their key for future citizenship and access to welfare in that country. (Pelner, 2005)

However, following the study of Passel and Cohn, for the year from March 2009 to March 2010, “350,000 newborns had at least one unauthorized parent.” This number represents 8% of all births for that period, even if unauthorized immigrants are just 3.7% of the total population. The authors explain this discrepancy by affirming that most unauthorized immigrants are relatively young and thus have higher birthrates. But, when analyzing the time period between arrival of parents and birth, the study found that 9% of the births were from parents that had arrived one year or less before, 30% between two to five years and 61% arrived more than five years before. These percentages disprove the widely spread belief of “anchor-babies” and the idea that undocumented parents deliberately migrate with the intention of making their children American citizens and through them have access to the citizenship.

After presenting this brief and broad conceptual introduction of some notions relating to the phenomenon of immigration in the United States, as well as statistics associated to this sector, I would proceed to study in specific the situation of unauthorized immigrants in that country. However, since this sector in the United States is extremely wide and complex, for a more effective result in this thesis, I would focus on one particular group of undocumented immigrants, with which there has been some
intense debate and various public policy proposals at different levels regarding their immigration status. These are the young undocumented immigrants.

3.2 Description of the Condition of Young Undocumented Immigrants

One characteristic of the immigration process is that in a significant number of cases, when an individual choose to migrate and he or she has immediate family, including children, they decide to migrate together. This reality creates a situation where a number of children arrive to the United States with their parents as unauthorized immigrants. These are people who came through illegal means to the U.S. as children, grow up there, establish social connections, in most cases learn the language and later graduate from high school. In most cases, at that point they face the reality that they are not citizens or legal residents. Because of this, they do not have the necessary documents to work, apply for grants or pay resident fees to continue post-secondary studies, as well as facing the danger of being deported to a country of origin that is in most cases completely strange to them. It is estimated that there are 1.8 million undocumented children in the United States. Also, about 65,000 undocumented children who have lived in the country for five years or longer graduate annually from high school. (Gonzales, 2009, p. 4)

It is emphasized that these young human beings are not responsible for the undocumented immigration status in which they find themselves, since they were taken by their parents as children to a new country. Even more, in most cases, these persons, who are mostly English speakers, only find out their current illegal status when face with
the necessity of applying for a driver’s license or for other processes where their Social Security number is needed. (Immigration Policy Center, 2011)

As a result of the special conditions of these individuals, mainly that they are not responsible for their current legal situation and that as young persons, they are in the age of acquiring the necessary knowledge and social tools to be productive adults, throughout the years, diverse policy schemes have been proposed, and in some cases enacted, at both state and federal level to deal with the migration status and future of these undocumented children. However, these proposals differ significantly depending on the government level and place where they have been proposed and/or enacted.

In 1982, the United States Supreme Court, in the landmark case Plyler v. Doe (457 U.S. 202) established that children present in the country have a protected access to the public education system through high school. That is, the Supreme Court “held that undocumented immigrant children could attend public schools, for which states and school districts could not charge them tuition.” (Olivas, 2009, p. 407) As the decision states, the Court had two important reasons for preventing the discrimination and granting these individuals a right to a free education: the children had little or no control over their legal status and, second, denying them the access to such education will only serve to the “creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare and crime.” (457 U.S. 202, 230)

Even though previous to this decision there were some limitations for unauthorized immigrants in their access to public education in their school years, the present situation is a widespread support among most federal, state and local actors and
institutions for this legal disposition. However, through the years there has still been some provisions that have been enacted that in some ways limit this access or have had the intention to do that. One example was Proposition 187, a California ballot initiative directed to eliminate almost all the state benefits to undocumented immigrants, including the free education to children. But almost immediately after the passage of this measure, the federal courts struck down most of its provisions. (Olivas, 2009, p. 1761) Besides this, the principles behind the decision in Plyler v. Doe are still valid and have continuously been vindicated in courts all over the country.

In spite of this, a constitutional right of access to public education does not extend to institutions of higher education. This creates a situation where even if an undocumented student excels during his/her school years, the prospects of pursuing higher education in the United States are very limited. The percentages of undocumented immigrants graduating from high school and continuing studies at colleges are significantly smaller than legal immigrants or native students. (Passel in Doughterty, Kenny and Vega, 2010, p. 124) The reason for this is their lack of access to in-state tuition policies in most states, scholarships and/or work programs and federal student loans. Not only this, but their illegality also contributes to barriers to obtain good jobs or such simple things like a driver’s license. (University of California, Berkeley, 2007)

As a result of all of this, undocumented students face a grim future after graduating high school. A return to their home country is in most cases not an option since these children have only known the United States as their home and have limited connections to their original countries. The current legal framework virtually forces these people to leave their family by being deported out of the country, or, in the case that they
decide to stay illegally, to be part of a clandestine overexploited workforce without rights; or in the worst case, enter the crime world, especially gangs. (Sharron, 2007, p. 2007)

3.3 The DREAM Act

At the federal government and in some states there have been in various instances and to different degrees attempts to provide some remedies to this situation. However, these proposals and laws have been through continuous debate and discussion, with strong and influential interests both supporting and rejecting a path to legalization and/or change in the access to public education at colleges or universities for undocumented people.

The most important federal legislative proposition to attempt to remedy this situation is known as the Development, Relief and Education for Alien Minors Act (widely known as the “DREAM Act”). I will now proceed to present an analysis of the history and development of this policy.

As mentioned before, the situation relating to this special group of immigrants, who are not personally responsible for their lack of valid residence permit, affects around 65,000 people yearly who graduate from high school and face a grim future due to their illegal situation. In order to attend this problem, in 2001, US Senators Orrin Hatch and Richard Durbin and US Representatives Howard Berman and Chris Cannon, one Republican and one Democrat in each branch of the US Congress, introduced the DREAM Act. This piece of legislation through the next ten years, even if it has had some important bipartisan support, has been introduced but not approved in various attempts.
The proposition has been introduced as an individual bill, part of a broad immigration reform or as an amendment to other bills. (Olivas, 2009, p. 1785) The last reintroduction for vote was in 2010 and even though it passed the House of Representatives (216 to 198) and had a majority in the Senate (55 yes to 41 nays), it failed to obtain the 60 votes necessary for cloture and prevent a filibuster. (Immigration Policy Center, 2011)

The latest proposal in 2010 introduced at the United States Senate, the Senate bill S. 3992, established a series of requirements that a person must meet to be covered by the DREAM Act. The requirements were: having entered the U.S. before age 16, have 5 years or more of continuous residence in the country, clean criminal record, not to be deportable or inadmissible under any specification of the Immigration and Naturalization Act, have obtained a high school diploma or GED and be under 30 years old at the enactment of the law.  

The individuals that fulfill these requirements, if the bill would have been approved, would have been provided conditional nonimmigrant status with a working authorization for a period of ten years and would be eligible for some refundable tax credits, Social Security, Medicare benefits and access to federal student loans. During this period, they must obtain an associate's degree, complete at least two years of university, or serve two years in the military, as well as maintain a clean record. If after that period the person has complied with these requirements, the bill provided for a path to apply for a permanent resident status.

However, for philosophical, economic interests and political reasons to be discussed and debated in the next chapter, this piece of legislation has failed to be

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1 A complete summary of this legislation can be found at the Library of Congress' website: http://thomas.loc.gov/cgi-bin/bdquery/z?d111:SN03992:@@D&summ2=m&
adopted by the United States Congress and pass into law. Nevertheless, it seems that this will not be the last time this bill will be introduced for approval since it still has significant support, including that of President Obama, as expressed by him during a commencement speech at a university in Miami. (Obama, 2011) Additionally, numerous national organizations, from educational and social backgrounds, such as the College Board and the National Association of College Admissions Counselors, have made the DREAM Act a priority for their organizations. (Olivas, 2009, p. 2009) Yet, other developments have surged at the state level to deal with this group of undocumented immigrants.

3.4 Initiatives at the State Level

Notwithstanding the legal reality mentioned before that only the federal government is in charge of granting citizenship or some type of legal residence status, the state governments have been involved significantly in public policy initiatives affecting young undocumented immigrants. Besides the limitations expressed before that these people face, such as lack of proper identification papers and no access to student aid, one of the biggest obstacles when trying to pursue higher education is that these individuals are not recognized as residents of a state. Most of the states in the United States have public institutions of higher education. The majority of these public colleges provide a different economic consideration for students originally from the state than for students coming from other states.

In principle, in most states undocumented immigrants are allowed to attend institutions of higher education, but since they are not legal residents, they are not
recognized as residents of said state and thus, have no right to in-state tuition fees when paying for the education at universities. This happens even if they have lived in that state for the majority of their lives and studied in their public schools. In-state tuition fees are normally significantly lower than those paid by out of state students. The average of the 50 states of in-state tuition and fees for undergraduate studies at public four-year colleges in 2009-2010 were $6,257, while out of state tuition and fees were $14,707. (Dougherty, Kenny and Vega, 2010, p. 124)

Even if states cannot legislate to address issues regarding the legal status of residence of individuals living in their territories, they can intervene in establishing the requirements for in-state tuition eligibility in public universities that receive state funds. This principle was established in 1996 with the federal laws: Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). These two federal laws established that “undocumented students may attend colleges, private and public, but states that wish to enable these students to be eligible for in-state public college tuition must pass legislation allowing them to establish in-state residency.” (Olivas, 2009, p. 408)

Since 2001, eleven states, including some with the highest number of undocumented immigrants like Texas, California, New Mexico, Illinois, New York and Utah, have passed laws allowing undocumented students to qualify for in-state tuition fees at state universities. These laws have as common requirements for eligibility that the prospective student had graduated from a local high school and a residency condition of a specific amount of time, which varies depending on the state. (Flores, 2010, pp. 239, 283)
Texas became in 2001 the first state to enact such legislation with the two main requirements being the graduation from a Texas high school and a residency in the state of at least 12 months. According to the Texas Comptroller of Public Accounts, the public office responsible for the management of the state taxes, during 2007, the number of students qualifying under this Texas legislation represented only eight tenths of one percent of the public institutions enrollment. (Vazquez, Rodriguez, Somers, 2011, p. 109) Research analysis done in these states has shown that they have not received any abnormal increase in the influx of unauthorized immigrants after the adoption of the law. In contrast, state institutions have seen their revenue increase with the entrance of a number of paying students that otherwise would not be attending universities. (Immigration Policy Center, 2011, p. 4) Moreover, it has been shown that undocumented immigrants from a Latino background are dramatically more likely to attend and complete their higher education in states that have adopted in-state tuition laws than in those without such legislation. (Flores and Chapas, 2009)

However, the fact that there are eleven states with this type of law does not mean that it is a trend that others will soon follow. There have been a number of states where the legislation has been proposed but failed. In addition, other states, such as Arizona, Colorado and Georgia, have in fact enacted laws banning the possible eligibility of undocumented immigrants for in-state tuition fees in their universities. (Dougherty, Kenny and Vega, 2010, p. 124) Arizona went a step further when in 2010, it enacted a law that requires any person studying in the state to carry proof at all times showing that they are legally in the United States. (Vasquez, Rodriguez and Somers, 2011, p. 109) Furthermore, South Carolina and Alabama, through laws and regulations, have approved
measures that not only denies access to in-state tuition, but expressively ban undocumented immigrants from attending state institutions. (Olivas, 2009, p. 408)

The constitutionality of these state provisions, either providing or blocking benefits for undocumented immigrants, have been contested and upheld by various courts. The legal principle used by courts in their decisions has been that the two federal laws mentioned before, IIRIRA and PRWORA, gave states the right to deny or provide in-state status to unauthorized individuals. (Olivas, 2009, p. 408-409)

However, this type of state legislation in favor of undocumented immigrants, even if helpful, does not represent a good enough solution for the situation these individuals are facing. The reason is that these state laws cannot resolve the issue of the illegality of the presence of these persons. Without some kind of legal residency, these immigrants do not have access to the necessary federal student aid vital to be able to attend college. At the same time, still if they can go through college, they would still face the harsh predicaments of their condition when they graduate, that is, the prospect of entering the underground economy or being deported for a lack of necessary documentation.

Nevertheless the significant findings done by various researchers and institutions regarding the positive effects, be it economically to the state, country and individuals affected by legislation in support of these young undocumented immigrants, as well as the real limited number of people eligible in respect to the overall percentage of students, the federal proposal of the DREAM Act has not been enacted after more than ten years of tries. At the same time, state laws persecuting and preventing benefits for these specific sector of individuals not responsible at first for their illegal status have been adopted across various states. In the next chapter, I will discuss how the conservative political
discourse, with all the economic interests involved, have prevented the enactment of comprehensive reforms to resolve or ease the dilemma that these young individuals are facing in the United States.
Chapter 4: The Radical Conservative Politics and its Effects on Policies Affecting Young Unauthorized Immigrants

4.1 Background Motives for the Opposition to Favorable Policies for Undocumented Immigrants

Even with the significant economic advantages to be discussed in the next chapter for the United States and for individual states, which the enactment of policies to legalize and facilitate the education and the contribution of young unauthorized immigrants would bring, most of these measures, more specifically the DREAM Act, have failed to be adopted. These proposals, even if directed to a specific group of immigrants with particular characteristics, face the opposition and negative reaction from various sectors in the U.S. society that are involved in the overall debate regarding migration into the United States. The presence of some of the concepts discussed in the second chapter, such as racism, discrimination, economic exploitation and the idea of nation, in the conservative political discourse has, in my opinion, prevented the enactment of measures easing the living conditions of these persons. That is, these practical measures directed to young undocumented immigrants have faced the strong rhetoric of the conservative discourse against immigrants in general.

This political discourse against immigrants, specifically those from a Latino heritage, revolves around the presence of the “Latino threat” mentioned in the previous chapter. As Christine Ho and James Loucky explain the idea of the Latino Threat, Latinos are seeing as destroying American values and the American way of life by their supposed refusal of adopting Euro-American values and the English language. In addition, they are portrayed by some sectors of the political, academic and social elite as “invaders” who are retaking the former territory of Mexico and who separate themselves from the rest of
the American society by living in close communities, speaking their native language and failing to relate with other races. Influential right-leaning journalists and political commentators, such as Peter Brimelow and Patrick Buchanan, have promulgated these views. But most importantly, this “incendiary rhetoric has been granted legitimacy” by renowned scholars like Samuel Huntington and Arthur Schlesinger Jr. (Jo and Loucky, 2012, p. 50)

However, the political discourse described above serves as a tool to powerful economic sectors that financially support the conservative politics and who are very interested in maintaining undocumented immigrants with as little rights as possible. These are large U.S. firms that are increasing their profits with undocumented immigrant cheap labor. These companies count on the economic desperation of immigrants who will continue to cross the border and fill their necessities. Nevertheless, the legalization of the unauthorized immigrants’ residence situation does not represent a good business prospect to these profit-hungry corporations, since they seek to exploit the poverty and legal fears of these vulnerable individuals. (White, 2011) That is, it is in their private economic interest to maintain a sub-class of individuals in the United States.

As University of California San Diego economics professor Gordon Hanson affirmed when discussing who benefits from unauthorized immigration in an interview with KPBS, “Those benefits go primarily to one group of individuals and that is employers in industries that hire illegal immigrants intensively: construction, agriculture, hospitality and tourism.” (St. John, 2010) In addition, large corporations, such as the powerful Wal-Mart, have been found to be employing undocumented immigrants as
cheap labor, paying under-market and below minimum wage level salaries, to clean stores all over the country. (White, 2011)

Furthermore, there are more economic benefits resulting from undocumented immigrants to other sectors as well. As the National Public Radio news organization (Freed-Wessler, 2010) reported, Russell Pearce, the Arizona state legislator who authored that state’s harsh anti-immigration law mentioned in the chapter before, is a member of the American Legislative Exchange Council. This is an organization that has as board members state and federal officials as well as representatives of major companies. One of these companies is Corrections Corporation of America, the largest private prison company in the United States. This company was heavily involved in the drafting of the Arizona anti-immigrant legislation, including the section that empowers the state officials to detain individuals that fail to present the necessary documents proving their legal presence in the country.

Private prison companies are very interested in the enactment of such measures for the possible economic opportunity of constructing and managing prisons for undocumented immigrants, which could result “in hundreds of millions of dollars in profits to private prison companies responsible for housing them.” As a result, 30 of the 36 sponsors of the Arizona anti-immigration law received campaign contributions from the top three private prison companies. (Sullivan, 2010) Furthermore, Wayne Calabrese, the former president of GEO Group, another of the big private prison companies, said on a May 2010 call with investors, “Those people coming across the border and getting caught are going to have to be detained, and that for me, at least I think, there's going to be enhanced opportunities for what we do.” (Gordon and Raja, 2012)
With the economic background motivation and the strong vilifying views on immigrants in general by an important part of the political elite and the overall population, the opposition to proposals directed to young undocumented immigrants has been well organized, well funded and effective. The young undocumented immigrants’ plight for better and fair conditions of living goes against the powerful economic interests who are interested in maintaining a subclass of individuals. Moreover, the creation of coalitions to influence the policy agenda-setting, in the sense as explained by Sabatier and Weible, are quite clear and include community and interest groups, research institutions, think tanks, media outlets and public officials at all levels, including at the highest level like former President of the United States George W. Bush.

4.2 Arguments against the DREAM Act

After the previous description of the background motivation that surrounds the antagonist political discourse to measures directed at somehow easing some of the harsh conditions that Latino immigrants face in the United States, I will move to a focus analysis of the opposition to the DREAM Act. This bill has been the most important piece of legislation introduced to attend this situation. It is important to note that this negative discourse has been present since the bill was first proposed in 2001.

Elisha Barron from Harvard Law School provides a very good descriptive recount of some of the most common opposition arguments that have been used against the DREAM Act. (2011, p. 6-10) She divides them into four groups: the general opposition to any type of amnesty towards undocumented immigrants; the idea that the bill is too
broad; fear of effects to the federal and state budgets; and the suggestion that the bill has to be part of a broader immigration reform.

Regarding the first set of arguments, it usually contains the most virulent criticism towards the young immigrants as a group. It states that these individuals are illegally in the country and thus, instead of trying to accommodate them, the government should focus on removing them from the country. (Bruno, 2010, p. 13) It depicts them as criminals and the DREAM Act as a tool to reward illegal activity.

Moreover, as Barron explains, the DREAM Act has been accused as an inequitable advantage towards a specific group of undocumented immigrants, while others would be forced to leave. Also, it is argued that this kind of “amnesty” represents an unfair situation to all the would-be immigrants who have followed the established legal process and who are waiting for their permission to enter the United States.

The second group of arguments is directed to the specifics of the bill itself. It is mentioned that the proposed legislation contains too many loopholes that will allow for a number of undeserving immigrants to legalize their situation, as well as create a number of possibilities for their parents and additional family to benefit from their legal residence. One of the biggest targets of criticism is the fact that it contains an age limit for eligibility that is too lenient according to detractors. Several lawmakers have established that the age of 16 would allow for individuals of at least 15 years old to apply for this program. In their opinion, these individuals, when they are at this age, could have a say in the decision of their parents to migrate or not. But, besides, if they have just spent one or two years before they become adults in the U.S., then the argument that these people grew up in the country and have built their lives there is not supported.
The third set of arguments regards the economic effects that the DREAM Act would have in the federal and state budgets. Mostly, it establishes that the economic burden that would supposedly be produced by opening the doors to undocumented immigrants to student loans and other federal benefits would be too great in these economic times.

The argument of budget constraints is closely related to the line of reasoning of other critics who consider that it would be unfair to provide undocumented immigrants with the benefits of in-state tuition when out of state American citizens would not have access to the same prices. (Bruno, 2010, p.13) The use of U.S. public money to assist individuals who because of various circumstances have broken the law is probably the strongest argument against the DREAM Act. As U.S. Senator Vitter from Louisiana explains, “In these difficult economic times, when unemployment rates are on the rise and government spending is unsustainable, the last thing legal, tax-paying American citizens need is to see their hard-earned money used to finance the education of illegal aliens.” (2010)

The last group of explanations for opposition to this piece of legislation, as detailed by Elisha Barron, is those that understand that this type of bill has to be part of a broader immigration reform. That is, it is argued that the whole immigration apparatus in the United States is broken and that it cannot be fixed in little parts one at a time. It is stated that if such a proposal benefiting undocumented immigrants already in the country is not accompanied by measures of securing the border and controlling the influx of unauthorized immigrants, then the number of illegal entries will increase, as prospective
immigrants will believe that at least their children would be at some point able to legalize their situation.

Additionally, it is stated that since the DREAM Act is defended by its supporters as a moral imperative because of the particular characteristics of these individuals, then it would create the idea that even individuals outside the country could come into the United States through illegal means and have great possibilities to benefit from a future legislation of the same type. That is, if it is a moral imperative now to attend this situation, why it would not be in the future with newcomers? As Ira Mehlman of FAIR claims, “Because the DREAM Act is being marketed as a moral imperative as opposed to a more general amnesty, which is sold as bowing to reality it comes with an absolute assurance that it will be repeated.” (2012)

4.3 Main actors opposing policies in favor of young undocumented immigrants

The main, most vociferous and most effective opposition in the United States to measures, such as the DREAM Act, which deal with the situation of a significant number of young unauthorized immigrants have been carried out by the conservative political sector. In order to deliver the message and to influence the public opinion, as well as the public policy process, a powerful unofficial coalition of partners was formed. This includes public officials from different levels of government, think tanks, community organizations, interest groups and media outlets.

This effective campaign has combined the use of studies, statements by public officials and local groups to try to persuade the public opinion against this legislation. As will be seen, most of the opposition revolves around the argument that this legislation
will be an amnesty to lawbreakers. Also, that it will produce the “threat” of a chain migration, thus not only granting the focus group a path to legality, but also helping their relatives and encouraging others to come illegally to the country.

One of the best examples of such opposition was the statement of President George W. Bush just before the vote in Congress in 2007 on the DREAM Act. Even if President Bush courted successfully the Hispanic vote before the 2004 elections, winning around 40% to 44% of that electoral group, in 2007 he came out strongly against this legislation. (Harris, 2004) President Bush expressed his opposition to this legislation, using one of the most politically charged word in the public policy debate with regard to immigration: amnesty. On October 24, 2007, during one of the days where the Senate had a vote on a version of the DREAM Act, the White House issued a statement opposing it. The declaration of President Bush stated that this bill would not help solve the immigration problem. It added that it only creates a preference for a limited group of “illegal aliens” and that it discriminates against immigrants who have followed the due process of law and are waiting to obtain residency. He concluded by saying that this project should not be part of an intelligent public policy that addresses the issue of illegal immigration. In exchange, he expressed his support for an overall broad reform of the immigration structure. (Bush, 2007)

In addition, great part of the opposition has been dominated by the expressions of other federal elected politicians. These officials have the benefit of not only having exposure at a national level, but also through the nature of their positions, have a large influence at the local level. Some of the most vocal conservatives critics of the DREAM Act have been Congressman Lamar Smith of Texas and former Senator Tom Tancredo of
Colorado. Congressman Smith has been one of the harshest critics, usually using terms such as criminals, illegal, lawbreakers, among others. He also stated that the DREAM Act is a “rallying cry” by liberals in the United States to “provide an amnesty to millions of illegal immigrants.” (Smith, 2012) Moreover, former Senator Tancredo has raised the ghost of increasing unauthorized immigration in his opposition to this legislation. He mentioned that the bill should be renamed the Nightmare Act because it is "nothing but an amnesty for illegal immigrants disguised as an educational bill where the government will prioritize immigrants' rights and that the act will place severe strains on state budgets and harm middle class families." (Patino, 2010)

Additionally, Senator Marco Rubio of Florida, who has Cuban ancestry and whose own parents were sponsored by his aunt to go to the United States from Cuba, has also expressed his opposition to the DREAM Act. Rubio’s position is notable because he is considered as the Republican Party “most powerful Hispanic political player and rising star.” (López, 2012) Senator Rubio argues that the current proposal of the legislation "would allow for chain migration, which would not only legalize these kids but help relatives, that'll be another 4 million people, and that raises red flags." (Marrero, 2012) The Senator proposes instead a legislation that will give these young undocumented immigrants a non-immigrant visa to go to college or the military, but not a path to citizenship, which according to him, they could apply for after. However, this process could take a decade or longer. (Dade, 2012)

It is difficult not to find it somehow puzzling that an individual who personally benefited from chain migration would use it as an argument against other migration proposals. However, this position is explained by the reality that the current Republic
Party and its political base have long supported harsh measures against undocumented immigrants as it is discussed in this thesis.

Public officials at state level have also been part of this coalition. Arizona, being one of the states with a large presence of Latino immigrants, represents a good example of a place where the debate of the DREAM Act is extremely heated. The current highest official in the state, Governor Brewer, has been one of the best-known proponents of anti-immigrants legislation in the United States. Regarding the DREAM Act, even if she says, “that her heart goes out” to the people that would benefit from this proposal, she is against it because it will “reward those who have broken the law in Arizona.” (Fischer, 2010) Besides the Governor, another important public actor involved in this debate has been the infamous Sheriff Arpaio, the elected person responsible for the law enforcement in the Maricopa County in Arizona. He is widely known for his outspoken stance against undocumented immigrants. On the subject of the DREAM Act, he states regarding the possible beneficiaries that, "They violated the law and they should be deported and some action taken and that's the way it is.” (McReynolds, 2012)

Also, besides public officials, other conservative and influential groups in American politics have expressed their opposition to this legislation. These actors are in charge of providing different types of studies and opinions to support the position of this coalition. Two of the most active groups are the widely known conservative think tanks The Heritage Foundation and the Federation for American Immigration Reform (FAIR). As its own website states, The Heritage Foundation is a research and education institution with “the mission to formulate and promote conservative public policies based on the
principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” (Heritage Foundation, 2012)

Concerning the DREAM Act, this think tank has published one of the most used studies to support the opposition stance against this proposal. The study was elaborated by Kris Kobach and is titled *A Sleeper Amnesty: Time to wake up from the DREAM Act*. This study states that, “The DREAM Act is a nightmare. It is a massive amnesty that extends to the millions of illegal aliens who entered the United States before the age of 16.” In addition, it alleges that this act will provide them with a shortened path to obtain non-conditional resident permits and then seek those also for their parents, thus in a way, granting their parents also an amnesty. Moreover, it points out that with this legislation, states that are facing strained budgets will be forced to subsidize the education of “lawbreaking illegal aliens” at the expense of benefits of law-abiding, taxpaying citizens. It concludes that the DREAM Act is “an insult to the rule of law.” (Kobach, 2007)

It is important to point out that the Heritage Foundation has also been a strong supporter of measures that would intent to ensure an adequate supply of cheap labor for U.S. businesses, especially directed at those coming from Mexico. In an article of the Foundation in support for the North American Free Trade Agreement, it is stated that “Our choice is clear: Integrate low-cost labor from countries like Mexico into our production… or… abandon our position as the world’s economic leader.” (Gonzalez, 1994, p. 193) Maintaining the number of undocumented immigrants in the country is also another way of guaranteeing the pool of cheap labor for U.S. companies.

Besides the Heritage Foundation, FAIR has also been another public-interest group heavily involved in preventing the enactment of the DREAM Act. According to its
mission statement, this organization “seeks to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest.” (FAIR, 2012) As regards to the issue at hand, this organization has published a number of articles detailing their reasons for opposition. In a document titled *DREAM Act is a losing proposition for law-abiding Americans*, FAIR researcher Dan Stein points out that this legislation could cost government budgets more than $100,000 in subsidies per person that attend a university. He argues that this money directed to undocumented immigrants would then not be available for the rest of needed American students. In addition, Stein affirms that the DREAM Act beneficiaries would obtain the right to work and thus, become competition with the millions of Americans that are searching for jobs. The article concludes by saying, “We should not ask law-abiding Americans to bear the costs or sacrifice educational and job opportunities in order to rectify problems that were created by the decisions of people who broke our laws.” Furthermore, it proposes a harsher enforcement of the immigration laws by stating that, “The only effective way to address illegal immigration is to remove incentives to come here illegally and hold people who break our laws accountable.”

However, in order to spread the opposition message, convince an important sector of the voting population and public officials and thus, influence the public policy process, this coalition needs the media. As the public policy theory of agenda-setting explains, “In choosing and displaying news, editors, newsroom, staff, and broadcasters play an important part in shaping political reality.” The media not only provides its viewers with information, but the individual perception of what issue is important is heavily affected
by the amount of information in a news story and its prominence. (McCombs and Shaw, 1972, p. 176)

In the United States, one of the most conservative media outlets is Fox News. As one of the leading cable news channels, Fox News is home to political commentators that rank among the most outspoken opponents to the DREAM Act, including media-personalities such as Bill O’Reilly, Rush Limbaugh and Lou Dobbs. As the media watchdog organization Media Matters for America affirms, “Fox News has repeatedly attacked the DREAM Act.” (Media Matters, 2010) Furthermore, the Centre for Economic Policy Research, in 2009, published a report titled *Illegal Immigration and media exposure: Evidence on individual attitudes*. In this paper, the authors conclude, “that media exposure is significantly correlated with public opinion on illegal immigration.” The findings point out that as a result of their continuous negative coverage, when controlling for education, income and ideology, individuals watching Fox News are 9 percentage points more likely than CBS and CNN viewers to oppose the legalization of undocumented immigrants. (Facchini, Mayda and Puglisi, 2009)

Furthermore, additional studies have shown that some selected news outlets in the border regions contain in their work continuous negative coverage of immigrants. This has led to a perception that automatically connects unauthorized immigrants with drugs, crime, human smuggling and trespassing, as well as, depicts them as an economic burden for the region. (Branton and Dunaway, 2008, p. 291)
4.4 Effects of the conservative political discourse on policies affecting young undocumented immigrants

This coalition of conservative public officials, research groups and media outlets has affected the enactment of policies directed at legalizing the situation of the young unauthorized immigrants. However, some of these effects differ depending on the government level and place.

Regarding the main focus of this research, the young undocumented immigrants that came to the United States illegally when they were children, the most obvious consequence has been the effective opposition to the DREAM Act. Given the strong lobbying effort, this piece of legislation has never been able to be approved. Even with various changes tried to accommodate some of the major criticism, the bill has been voted down in 2001, 2003, 2005, 2007, 2009 and 2011. That is, the conservative coalition has been able to prevent the enactment of this bill in the last 6 Congresses. (Olivas, 2009, p. 1785-1789)

In addition to the failure of giving these young individuals the opportunity to go to college or the military and be able to contribute to the U.S. economy and society with the same rights and obligations as their classmates and neighbors growing up in the United States, this conservative movement has also targeted the states. As was mentioned in the previous chapter, a number of states have enacted laws expressively prohibiting the access of undocumented immigrants to in-state tuition. This state remedy of providing in-state tuition, even if it is not enough in the case of most immigrants as was stated before, represents at least a possibility for numerous individuals to have access to higher education.
The conservative movement has not only a strongly lobby at the state level to enact legislation prohibiting undocumented immigrants to have access to in-state tuition, but have thrown their money behind legal challenges against states that have granted the benefit. One example is the Washington Legal Foundation, a conservative organization that prides itself in its aggressive litigation. This group in 2005 filed unsuccessful challenges in the Department of Homeland Security against the in-state tuition laws of Texas and New York. Also, FAIR has supported legal challenges to statutes in Kansas and California that allows undocumented immigrants to establish residency status for tuition. (Olivas, 2009, p. 1765-1768) These organizations argued that providing in-state tuition to undocumented immigrants, while not granting the same rights to American citizens from out of state, represents a violation of civil rights for these citizens. (Popeo and Samp, 2005) However, these complaints were not prosperous since the principle of giving liberty to states to take action in this specific area established in the laws IIRIRA and PRWORA, discussed in the previous chapter, was maintained. (Olivas, 2009, p. 1768)

However, these bills and legal challenges against measures helping young undocumented immigrants are part of an overall attack, supported by this conservative coalition, against unauthorized immigrants. Attacks that are directed at a group with the intention of limiting their rights and benefits and making them feel insecure, with the result of maintaining a sub-class of economically exploited individuals.

There has been an increasing trend at the state level to adopt laws against undocumented immigrants. Only seven of the fifty states did not pass some type of anti-immigration legislation in 2010 and 2011. Most of these laws range from changing the
requisites of eligibility for a driver’s license to the mandatory use of the federal system of E-Verify to check on the legal residence status of an individual when applying for work. Furthermore, six states, - Arizona, Alabama, Georgia, Indiana, South Carolina and Utah - have passed major restrictive reforms of the overall state immigration apparatus. (Gordon and Raja, 2012)

     As expressed by Micky Hammon, the Alabama legislator who co-authored the version of the reform in his state, the purpose of this type of immigration law is to “attack every aspect of an illegal immigrant’s life… The bill is designed to make it difficult for them to live here so they will deport themselves.” (The Economist, 2012) The Alabama law prohibits undocumented immigrants from working, soliciting work, do business with the state, attend a public university, invalidates any contract where an unauthorized immigrant is part of, and prohibits people from renting, sheltering or even give a ride in a car to undocumented immigrants. Even if these are fearful enough measures, the two most draconian sections are the one that requires officials in state schools to check whether their students are legal or illegal and the other, which, as mentioned before, requires public officials to investigate the residence status of any person in every situation where they encounter an individual who they may have a “reasonable” suspicion that they might be unauthorized in the state. (Johnson, 2011) That is, in practice if they do not look like an American in the sense of Huntington’s vision of the U.S., or more precisely, if they look Latino.

     This type of legislation makes every public official, from police, firefighters, teachers, to hospital employees into an immigration officer. It is important to point out that even if these bills are directed, at least officially, towards those without legal
permission, the effects will be suffered by those legally in the country too. It is impossible to distinguish the legal status of person by their face, thus all individuals with the race characteristics of an immigrant, Latino in this case, will have to suffer what this type of bill allows and promotes. As Kevin Johnson establishes, “Efforts to exclude non-citizen minorities from the country under the immigration laws threaten citizen minorities.” (Johnson, 1998, P. 1154)

The constitutionality of such measures is still to be decided by the Supreme Court of the United States. In late April 2012, the Supreme Court is expected to hear a challenge by the U.S. Attorney General against the Arizona law, the first of such type and the prototype of the others adopted in the additional five states. The main issue at hand is to decide if states have the right to ask their local police to check the immigration status of people they stop and, in the case that they failed to provide documents, arrest them and hand them over to federal immigration agents. The Obama Administration argues that these actions of determining the legal status of people are under the federal sphere of action and advocate for a process where the federal agencies would orient their resources to targeted enforcement, where rather than doing mass arrests, they are going after criminals and repeated border crossers. (Savage, 2012)

The Southern Poverty Law Center, in an in-depth study of the conditions of life of Latinos in the South region of the United States, found that they are facing increased hostility, discrimination and exploitation. (2009) According to this report, Latinos repeatedly face problems at work, where they are cheated of their earnings and do not have the same health and safety protections as other workers. Moreover, they are subjected to racial profiling and harassment by law enforcement and are victimized by
criminals who know that they are reluctant to report attacks. This treatment of Latinos “has been encouraged by politicians and media figures who scapegoat immigrants and spread false propaganda.” (2009, p. 4)

In the end, all these efforts by the conservative interest movement against Latino immigrants, and to a harsher degree towards those without legal residence documents, is directed to achieve the goal of maintaining a sub-class of human beings in the United States. A group that can be exploited economically, but that does not have access to protections and which feels scared of the governmental apparatus that persecutes them. As Pastor Robin Hoover of Human Borders summarizes, "Without the help of immigrant labor, the US economy would virtually collapse. We want and need cheap immigrant labor, but we do not want the immigrants." (White, 2011)

Through the continuous negative media coverage, especially in conservative media, and the statements and actions of public officials, unauthorized immigrants have been criminalized and portrayed as an imminent threat to the American “nation” and to residents, since supposedly immigrants are coming with drugs, to steal, abuse the welfare programs and take away the jobs of Americans, among other claims. It creates a situation that using the words of Michel Foucault, ‘dehumanizes’ these immigrants. (Foucault, 1992) As was described above, this dehumanization process allows for the establishment of further draconian measures and mistreatments.

First, with all the negative campaigns and “threatening” nature of the arriving persons, a significant number of citizens are prone to separate themselves from the immigrants and not see them as equal human beings. Thus, they are relieved of the moral dilemma of allowing or tolerating an unfair treatment to a fellow equal. Second, the
dehumanization affects also the immigrant himself. The undocumented immigrant, with the enactment and institutionalization of a persecution and racial profiling, encounters a reality where he or she recognizes that in front of the government and in the eyes of many citizens, they are not equal human beings. Since most migrate in a desperate search for improvement of the economic situation of their families, they are faced with the undesirable prospect of living in conditions of exploitation for the sake of their loved ones.

For fear of deportation or further abuse, these Latino immigrants do not have the same access to state authorities to protect them against injustices. Every single day, they live in a condition where their reality as a sub-class in the United States is extremely evident. A study of the life conditions of undocumented immigrants in North County, California, a county that enacted some harsh anti-immigration provisions, done by the Center for American Progress illustrates these daily strong limitations face by these individuals. According to the report, these unauthorized immigrants live in a constant state of fear that prevents them from doing simple things such as driving, taking a walk or even buy groceries. In addition, they are very reluctant to go personally to any state authority to report offenses against them. (Garcia and Keyes, 2012)

As the Southern Poverty Law Center reports, an example of the exploitation conditions that many of these immigrants face continuously in the United States could be observed in the rebuilding efforts of New Orleans after Hurricane Katrina. (2009, p.7-9) As the study reflects, after the hurricane destroyed the city, a cleanup and rebuilding process began, which attracted a significant number of immigrants looking for work. Most of these immigrants were sent to do dangerous jobs, such as the cleaning of toxic
mud and mold in damaged buildings that were in danger of collapse. The owners of the companies that hired these immigrants took advantage of their legal conditions and economic necessity by not offering them the necessary safety measures to do such hazardous jobs. Even more, these companies failed to deliver on their promises of pay and living conditions. As the testimonies compiled by this institution show, when workers protested for the lack of payment and bad conditions, they were threatened by telling them that they did not have any rights and that they would get in trouble if they kept protesting. The Southern Poverty Law Center filed on behalf of some of these workers lawsuits in various state courts for compensation. Even if some were able to reach an agreement, this law organization recognizes that its efforts just affect a small number of the many unfair situations that immigrants face daily.

As it can be seen, the conservative political movement in the United States, with the important and economically motivated backing from certain powerful financial actors in the country, has been considerably efficient in developing certain public policy measures to guarantee the economic exploitation of undocumented immigrants. However, there are still certain actors giving a fight to correct this situation, especially when addressing the special situation of the young unauthorized immigrants who came to the country as children, have grown up and call the United States home. This effort to pass this necessary will be discussed in the next chapter.
Chapter 5: Response to the Conservative Political Discourse

5.1 Arguments in Favor of Comprehensive Reforms for Young Unauthorized Immigrants

Young undocumented immigrants represent a very special and particular group of immigrants in the United States. However, it is important to point out that they are part of a larger group of Latino immigrants that have endured discrimination and economic exploitation in that country. As was mentioned before, Latinos have had to suffer through the stigmatization of being labeled as criminals, welfare dependants and, possibly most damaging, a threat to the “American nation.” Even if another research would be necessary to provide an in-depth study of these unfair and false accusations, it is important to provide some facts regarding the Latino community in the United States that might help provide a better understanding and public opinion of the young unauthorized immigrants. Latinos, just as it was before with German immigrants after the First World War or Catholics that came from Ireland or Italy, are the last group of migrants that has been demonized in the U.S. by been accused of having an “inassimilable nature”. (Ho and Loucky, 2012, p. 51) Even though some public officials, media personalities and some academics want to point out that previous immigrants from other origins assimilated more easily, that is actually historically inaccurate. As Ho and Loucky explain, “the seamless assimilation of European immigrants of yesterday exists only in the public imagination and depends on pure historical amnesia.” (2012, p. 51)

Related to this, one of the most repeated accusations against Latino immigrants is their supposed lack of cultural assimilation by refusing to learn English. Nevertheless, this argument crashes against the reality of this community according to various studies. It has been found that by the second and third generation, the Latino immigrant
descendants use mostly English in their homes. Furthermore, a study in 2000 found that 91% of the children and 97% of the grandchildren of Mexican immigrants spoke English well. Even more, 89% of the Latino population believed that mastery of English was important for success in the United States. (Riley, 2008)

In addition, immigrants, including undocumented immigrants, provide vital labor to various important economic sectors in the country. Specifically, unauthorized immigrants are an essential part of the U.S. economy, while not being paid adequately or receiving the legal and health protections that most working Americans take for granted. Also, not only are they contributing by their hard work, but also they are consumers and taxpayers of most taxes. (Hinojosa-Ojeda and Fitz, 2011, p. 4)

There are numerous studies and arguments providing support to the positive contributions in economic and social areas in the United States of unauthorized immigrants. (Ullman, 2011) These studies look to refute the widespread belief among some citizens, researchers and public officials that these individuals represent an economic burden to the citizens and the state budget by stealing jobs, depressing wages, increasing unemployment, evading taxes and abuse the welfare system as was mentioned in the previous chapter.

A study done in the state of Arizona by the Immigration Policy Center in the wake of the enactment of the anti-immigration law mentioned before established the economic impact of undocumented immigrants on the state. (Hinojosa-Ojeda and Fitz, 2011) According to this report, undocumented immigrants added $23.5 billion to Arizona’s gross state product- the total value added by immigrants with their work in the production of goods and services in the state- in 2008. In addition, the economic output
of undocumented immigrants- the total value of all goods and services produced in the
economy by them- was $42 billion in the same year. Furthermore, this study estimated
that undocumented immigrants contributed $2.8 billion in taxes annually. Also, it is
significant to point out that unauthorized immigrants spend part of their salaries, which
amounted to an estimated $15 billion annually, in the state and with that further
contribute to the economy.

Regarding the accusation that undocumented immigrants steal jobs from
American citizens and that with their cheap labor, they depress salaries, it has been
analyzed that rather than stealing jobs, undocumented immigrants create at least as many
jobs as they fill by spending money on goods and services and by been paid less than the
total value of new goods and services they produce, that is, by their economic
exploitation. (Guskin and Wilson, 2007) Moreover, undocumented immigrants do not
compete with U.S. workers for jobs; rather, they complement the workforce by filling
low-skilled positions that U.S. citizens are not interested in. By this, they also do not
lower wages, since the workers are not interchangeable. (Ho and Loucky, 2012, p. 43-44)

The situation in Alabama after the recent enactment of the harsh anti-immigrant
law represents a good example of this reality. Paul Reyes offers a great analysis of the
effects of this legislation on the important sector of agriculture, which represents a $5
billion industry in Alabama. (Reyes, 2012) As was mentioned in the previous chapter,
one of the goals of the law was to make the conditions of living so difficult for
undocumented immigrants that they would deport themselves from the state. It was also
argued that unemployed U.S. citizens would be able to have access to the jobs that these
individuals were doing. However, a number of farmers raised their concerns that
Unauthorized immigrants were needed because “there simply aren’t enough people in the United States legally who are willing or able or geographically situated to do the backbreaking work most farmers have to offer.” (Reyes, 2012) Nevertheless, the state passed the law and as expected the majority of the undocumented immigrants fled the state. As Reyes report with interviews with local farmers, the agriculture sector now faces a harsh predicament since most of the workers that farmers hire as replacement last only a couple of hours before they quit because of the grueling conditions of work. As a result crops are not been picked up, farmers are losing money and food prices are going up. (Reyes, 2012)

Undocumented immigrants are an essential component of the construction, hospitality and agriculture industries in the United States. As it was mentioned, their contribution is not only limited to the output of their own labor, but also to the number of jobs that are created by their economic activity. As an example, if the unauthorized immigrants cleaning hotel rooms were to be deported, the economic effects of it would be devastating not only for the hotel, but for other industries depending on it. If rooms are not clean, guests cannot fill them and with that, industries providing services to the hotel, such as laundries, food providers, restaurants, gardeners, among others, would lose money. Moreover, without work, these immigrants would stop paying rent, buying groceries and paying taxes. (Hinojosa-Ojeda and Fitz, 2011, p. 8-9) The persecution and deportation of undocumented immigrants could represent modest savings in public expenditures, such as healthcare and education. However, these savings would be more than offset by losses in economic output and job opportunities lost for other more skilled American workers. (Dixon and Rimmer, 2009, p. 1)
However, as the focus of this thesis are the young undocumented immigrants, I will provide now specific supporting arguments for the enactment of public policies such as the DREAM Act and state legislation granting in-state tuition that are intended to refute the opposition describe in the previous chapter. Points of views in favor of these proposals can be divided in two: ones are those that encompass that it is the fair and moral thing to do and second, the positive economic and social impact that the legalization of the residence situation of these individuals would provide to the country.

It is important to address the four set of opposition arguments raised against the DREAM Act that were mentioned in the previous chapter, as detailed by Elisha Barron. The first argument is that this legislation represents an amnesty towards illegal activity. However, as it has been stated before, this legislation is directed to a specific group of unauthorized immigrants, those who got to the country as children and who were brought in by their parents. These individuals had, in most cases, no input in the decision to migrate by their parents, who were attracted into the United States by the prospect of being able to work even without legal residence. However, by that decision of their parents, they are in a situation where they were raised in the United States, the place where their families and friends live, and usually have little or no connection with their country of origin. They are deprived of a better future while facing the possibility of being separated from the world they know and sent to a country that is strange to them. (Garcia, 2006)

It is true that their parents broke the law, but by not passing this legislation, these individuals are, in the words of Senator Bob Menendez, being penalized by their parents’ decisions and forced to enter the underground economy or return to a country totally
foreign to them. (Hing, 2011) Punishing children for his or her “parents’ sins” is not just unfair to them, but also should represent a very controversial ethical limitation for any individual or institution opposing a remedy to their condition.

The second set of arguments against this bill is that it is too broad. As was discussed in the previous chapter, it is argued that the DREAM Act would allow for a process of chain migration, where the beneficiaries would sponsor their relatives and thus create a mockery of the legal process of immigration, since the parents as original lawbreakers would be allowed to bypass the legal process and the waiting period before entering the country. As well, it is mention that the bill will serve as a motivation for further undocumented immigrants. Susana Garcia, in an article in the Golden Gate Law Review published in 2006, affirms that the argument that this legislation would lead to an increase in illegal immigration by encouraging parents to bring their children illegally in the United States is refuted on the basis that the proposed reform of law only applies to people who have lived in the country at least 5 years before the law is passed. Therefore, it does not apply to new immigrants. (2006) At the same time, she argues against the notion that it will be a method for parents to guarantee themselves a path to citizenship - through a process of legal residence for their children, since according to the way the laws are structured, the process for parents to obtain a legal residence this way would be take more than 30 years. In addition, Garcia cites a number of studies that establish that the decision to emigrate is not made considering welfare benefits such as education or future citizenship, but on present economic opportunities. (2006, p. 261)

It has been proven that the activity of illegal immigration is closely related to the performance of the economy. The inflow of unauthorized immigrants “tracks the
economic performance of a country, rising during periods of expansion and stalling during downturns.” (Hanson, 2009) This is further proof that the objective behind the decision of migrating is related to the immediate economic possibilities, rather than to long-term expectations of citizenship or even health care benefits.

Furthermore, and to deepen the arguments expressed by Garcia, the opposition criticism to the DREAM Act that argues that this legislation would be a creator of chain migration is not supported by logic arguments. As Stuart Anderson explains, there is an erroneous perception “that any close relatives sponsored by U.S. citizens come to America quickly as permanent residents.” (2011). However, as he further states, the waiting times for sponsoring close family members are extremely long. As he puts as an example, because of annual limits in visas that are approved, some individuals that applied for a close relative during 1988 are still waiting for their relatives to join them. Therefore, to argue that an individual would decide to illegally migrate to the United States with the intention of having a path to citizenship through his children that would allow them to become citizens in 30 years is nonsense. Unauthorized immigration is based primarily on economic circumstances and because of that, it has put a number of children in the precarious condition described in detail in this thesis.

The third group of arguments is that it would represent an economic burden to state and federal budgets. However, The Congressional Budget Office (CBO), a non-partisan institution of the United States Congress, released an important analysis of the economic effects of this legislation. (2010) According to this study, the CBO projected that if the bill were to be enacted by January 1, 2010; in 2020 there would have been around 1.1 million individuals that would have taken advantage of this legislation.
Following this forecast, the Joint Committee on Taxation estimated that “the increase in authorized workers would affect individual and corporate income taxes, as well as social security taxes increasing revenues by $2.3 billion over the ten years.” On the other hand, the estimated increase in spending resulting from tax credits, Social Security, Medicare and student loans would be $912 million. These numbers provided by this non-partisan public organization reflect a net gain for the government by the enacting of this bill of close to $1.4 billion over the period from 2011-2020. This number does not include the increase in purchasing power that these graduated immigrants would have with the kind of jobs that they could obtain with a college degree that are impossible to have without one. It is estimated that the beneficiaries of this program, with a 40 years working life, would be able to generate in salaries an estimated $3.6 trillion for that period. (Hinojosa-Ojeda and Cruz-Takash, 2010, p. 3)

The prospective of this legislation not only would improve their future by legalizing their status, but the obtainment of a college degree increases dramatically the opportunity of obtaining a better paying job and reduces the probability of joining the unemployment mass, and thus, be a burden to the state welfare. (Bureau of Labor Statistics, 2007) Besides, individuals with higher education tend to have better health and employment benefits, more healthy lifestyles, bigger involvement in community life, provide a better future for their own children and reduce dramatically the dependence on the government. (Vemez, Krop and Rydell, 1999)

The last set of criticism revolves around the idea that there has to be a complete reform of the whole immigration legislation. It could be stipulated that there is a widespread support in different sectors of the political spectrum of the United States for
an immigration reform that would provide a more organized and secured process of immigration. However, even if there could be a consensus of future changes and policies, there is a pending reality that must be attended. It is impossible to believe that the already around 11 million undocumented immigrants in the United States could simply be removed and deported. The economic and social repercussions of such improbable action could be catastrophic. (Hinojosa-Ojeda and Fitz, 2011) Furthermore, a vital factor contributing to the presence of unauthorized immigrants in the United States has been that the government, for economic reasons, largely tolerated such illegal activity. (Hanson, 2009) As a result, there are a number of individuals whose lives are on the brink of leading to the underground economy when graduating from high school if no policy action is taken. It may be true that an immigration reform is needed, but in most cases, these claims for a complete overhaul of the immigration framework are just tactics used to prevent any action since the current political landscape makes this large change highly unlikely. The lives of these children cannot and should not have to wait for the political game to be played.

In the end, there is a moral argument to support the DREAM Act. These individuals are not responsible for their illegal residence status, have spent most of their lives in the United States and have little to no connections to their country of origin. By the government inaction, each year 65,000 undocumented high school graduates are forced to become part of a sub-class of individuals living in the United States who are exploited by powerful economic interests. These people have a special set of circumstances that call for some sort of humanitarian relief through a process of legalization. (Bruno, 2010, p. 13)
Furthermore, as it has been described in detail above, the enactment of the DREAM Act would result in significant benefits for the economy, a boost that should be welcomed in these trying times. These benefits would not only help the government, but these individuals would be able to have higher salaries, and thus pay more for rent, buy more groceries, have access to additional luxury products, among others and in the end, provide a boost to the economy.

These arguments in favor of policies directed to young undocumented immigrants have been carried out by public officials, diverse institutions and community organizations. President Obama has been a strong supporter of the DREAM Act stating in a document distributed by the White House that it “would give students who grew up in the United States a chance to contribute to the US; it’s good for our economy, our security and our nation.” He points to the benefits that the law could represent to the military and the increase of possible recruits, as well as for the economy, mentioning the study of the CBO that was referred to previously in this paper and the increase in competitiveness of the country with the boost in college graduates. Finally, the President argues that there would be a better border security since authorities would concentrate on people that pose a threat to the country and not on those that want to contribute to the United States. (Miranda, 2010)

In addition, one of the public officials more deeply involved with this legislation and also one of its original proponents is Senator Richard Durbin of Illinois. He argues that, “There are so many people counting on us when it comes to this vote, thousands and thousands of young people who are begging for this DREAM Act, praying it will pass and give them a chance, millions of people living in shadows, in fear, working hard every
day, loving their families, going to the church of their choice, trying to be part of their community, and realizing they are just one knock on the door away from deportation and the destruction of their family and their life as they know it.” He continues by pointing to the underground reality that these individuals’ future is bound to and concludes that, “We owe it to them to do something that is honorable in response to this need.” (2007) The DREAM Act “would provide around 360,000 undocumented high school graduates with legal means to work and attend college and could provide incentives for another 715,000 youngsters between the ages of 5 and 17 to finish high school and pursue postsecondary education.” (Gonzales, 2009, p. 4)

Additionally, numerous other public officials at federal, state and local level have also expressed their support for the enactment of such type of legislation. Moreover, interest and community groups like the National Council of La Raza, ACLU, Immigration Policy Center, Pew Research Center, National Immigration Law Center, College Board, diverse religious organizations, among many others have expressed their support for the DREAM Act. Also, more than 46 newspapers from all around the United States, including prominent outlets such as the New York Times, Washington Post, Wall Street Journal and LA Times, have published editorials supporting such bill. (Miranda 2010)

However, as was described before, policies in favor of young undocumented immigrants have faced strong opposition by a well-organized and lavishly funded conservative coalition. Because of a campaign based on the fear of immigrants and their supposed economic and cultural threat to the American nation, The DREAM Act bill has been unsuccessful in the last 6 Congresses. To add to this, the number of state laws
limiting benefits to these individuals is increasing, as well as the number of legal challenges to state legislations enacted to provide some kind of assistance to these immigrants. Nevertheless, there are some ways and tools that could be adopted to further increase the chances of an enactment of these necessary and fair legislations.

5.2 How to defeat the Conservative Discourse?

As we have seen, the conservative coalition has been very effective in preventing the enactment of policies in favor of young undocumented immigrants in the United States. This political sector has historically been able to elect supporting politicians to important positions at the various levels of government. These officials have been stern opponents of measures like the DREAM Act, as well as, conscious designers of policies to limit even more the options that these individuals have to survive in the country.

In order to successfully enact this kind of policies, the young undocumented immigrants need the help of the fellow Latino community. Young unauthorized immigrants in the United States themselves lack a proper political voice because of their undocumented condition – public appearance could risk removal from the country. However, Latinos are the largest minority group in the United States and the fastest growing population in the country. (Lee et als., 2011) Even if it would be erroneous to consider this group as homogeneous in its characteristics and political interests, the issue of the DREAM Act and policies for young undocumented immigrants has received overwhelming support across the community. It is estimated that 91% of Latinos in the United States support the DREAM Act, as well as, 84% of that population favors
granting in-state tuition to unauthorized immigrants. (Lopez, Gonzalez-Barrera and Motel, 2011, p. 19-20)

One of the most important steps in the process of attaining better conditions for this special group is for Latinos to show their political power. Hispanics represent over 20% of the population in several important electoral states, such as Colorado, Florida and Nevada. (The Economist, 28 April 2012) However, traditionally the voting turnout of Latinos has not been very high. (Barreto and Nuño, 2009) Even if there could be various reasons for such phenomenon, community and interest groups need to create a social consciousness so people can understand the power that political involvement can have. A way to obtain this is to promulgate policies such as the DREAM Act or in-state tuition as central issues in the campaign. If a policy that has such an overwhelming support could be seen as a central subject, Latino voters may be more motivated to vote and candidates would be forced to accommodate their positions to the new political reality.

Furthermore, Latinos in the United States have been traditionally associated with voting in favor of the Democratic Party. This community, by diverse historic events, “has been consistent in their belief that the Democratic Party serves the Latino interests better than the Republic Party and this has been reflected in their voting patterns.” However, this has created a situation in the Democratic Party where to a certain extent it feels overconfident that it can always count with the majority of the vote of this electorate. (DeSipio, de la Garza and Leal, 2009) Latinos need to challenge the Democratic Party to consider the DREAM Act as a central issue and to condition their support on their actions. In 2010, the DREAM Act failed to pass the Senate by 6 votes and in the voting, 6 Democratic Senators voted against the measure. (Barreto, 2010) As long as the
Democratic Party considers the Latino voters as secured, it may not do all it can in the political process to achieve the passing of such legislation.

Moreover, Latinos need to increase the number of public officials at all levels of government. From 1996 to 2011, there was a 53% increase in the number of Latinos serving in elected office in the United States. (NALEO, 2011) The National Association of Latino Elected Officials affirms that in 2011 there were 5,850 Latino elected officials. The importance of Latino officials is not limited to an increase in votes for measures supporting this population. The political game is often dominated by mutual support. That is, politicians tend to support other politicians that vote in favor of their measures. With a growing political presence there is an opportunity of increasing the political support from additional politicians that could see Latino officials as important partners. As a result, the DREAM Act needs to be adopted by Latino officials as one of their most important political priorities.

Besides the previous aspects in the political spectrum that could help the plight of young undocumented immigrants, Latinos need to continue to improve the public image that they have in the general population of the United States. As it was discussed in the previous chapter, to achieve its goals, the conservative coalition has used different methods, such as the media and institute studies, to disseminate a discriminatory discourse against immigrants, labeling them in the public imagination as criminals, people that come to steal jobs, welfare abusers and a “threat” to the American nation. This discourse has greatly influenced the opinion of an important number of citizens who believe that they should not be forced to help with their taxes these individuals that broke the law and which are foreigners. This coalition has been effective in creating in the
public imagination a difference between races; one that as discussed in the second chapter, helps prevent the emergence of moral considerations when analyzing the treatment received by that other non-equal.

In order to defeat the conservative coalition and its damaging political discourse, the young undocumented immigrants need to change this perspective. There is a need for a more widespread recognition of all the contributions and benefits that this legislation would bring to the country as a whole. Supporters have to use the same tools, such as the media, research organizations, public officials and academic figures, to not only refute the expressions and opinions of the conservative political coalition, but to highlight the positive contributions to the American society that these young individuals can bring.

In the end, it is no secret that citizens tend to have deep sympathy and support measures to groups of individuals that can show their labor productivity and positive contributions, while not so generous to sectors that are perceived as a burden to public welfare. (Pastor Jr., 2009, p. 25) As a result, there is an urgent need to demystify the beliefs that Latinos are a group that comes to the U.S. to take jobs from Americans, benefit from welfare without contributing and destroying its culture.

Related to this is the necessity of supporters of the DREAM Act to reach out to other ethnic groups for support. Without a widespread support and political pressure, the prospect of enactment of this type of policies is very limited. As we have seen, there are important non-Latino officials and institutions that recognized the importance of this legislation and have supported it. However, just 48% of the general population is in support of in-state tuition for undocumented immigrants, while 46% belief that they should not be eligible for that benefit. (Lopez, Gonzalez-Barrera and Motel, 2011, p. 19)
It is essential to have a better delivery of the supporting arguments, so a larger percentage of the citizens could be convince of the benefits that this piece of legislation could bring to the country.

One way of doing this is for supporters of these proposals to show the public who will be the beneficiaries of such policy actions. There are many touching stories of individuals that have excelled in school and in their communities who will be able to have a better and more productive future thanks to the DREAM Act. The profiles of these people and their contributions to the United States need to be widely shown to the American society. It is often easy to oppose any legislation when it is only about abstract statistics and arguments. However, by making the plight of undocumented immigrants personal, giving it a face and story, a large sector of the American society could find it difficult to oppose such a deserving measure.

A study of the policy process of the in-state tuition legislation success in Texas by Kevin Dougherty, H. Kenny Nienhusser and Blanca Vega, which mentions some of the suggestions discussed before, could represent a roadmap for a positive end result for the DREAM Act. (2010, p. 146-149) These researchers point to several characteristics that allowed for the passage of this legislation in favor of young undocumented immigrants in this traditional conservative state, under a Republican governor. First, they affirm that there was a strong social network of supporters. By this, they explain that supporters of the legislation were well organized and that Latinos were well represented in the state legislature, local offices and the population of registered voters. They argue that the sizable political power of the Latino community in Texas not only allowed them to pursue more favorable legislation, but also moved the local Republican Party, under the
leadership of Governor George W. Bush and Governor Rick Perry, to be more supportive of Latino views and less radical in the opposition to measures towards the young unauthorized immigrants than their counterparts in other states. (2010, p. 147) The absence of the Republican Party as a permanent roadblock for this type of legislation eased the enactment of the so-called Texas Dream Act in this otherwise quite conservative state.

Furthermore, the authors express the importance of the fundamental social values. They describe that a vital component of the success was the quite supportive attitude toward Latinos and immigration in general in Texas. They clarify that the racial and ethnic climate toward the Latino immigration has not always been good, but through the work of community organizations and other contributors, it has moved to a much greater acceptance of them. The cultural contributions, as well as, the recognition of the economic inputs and the mutual economic dependence of cities at both sides of the border helped created a better atmosphere for Latinos in Texas.

Even if Texas, as a result of its history and population composition, represents a very unique place, the public policy process that occurred there could be a model for actions to be taken at the federal level and in other states. A comprehensive legislation directed at young undocumented immigrants should not be controversial. There should be a moral imperative to address the tragic situation faced by these individuals. Not only this, but in economic crisis times, a measure that would produce significant benefits for the American economy should be supported by more public officials and citizens in general.
Conclusion

The debate of immigration and the effects of migrants in a receiving society has been one of the most heated topics in a number of countries around the world in the last 20 years. The United States has been one of these countries and mainly the discussion has been closely related to the presence of immigrants from a Latin American background. Even if there have been disputes around diverse general aspects of the overall topic of immigration, probably the most controversial area is the undocumented immigrants.

The controversy around undocumented immigrants in the United States is divided around two subjects. First, there is a call to strengthen the security of borders, diminish the entrance of new unauthorized individuals and guarantee an organized migration process for everyone wanting to enter the country. It could be stipulated that there is a widespread support among the political spectrum to achieve these goals. The second area is the debate related to which policies should be adopted regarding the undocumented immigrants already living in the country. This topic has been extremely controversial and has produced greatly diverse proposals to deal with the situation.

One sector of those unauthorized immigrants, which has created the most discussions of concrete policy actions, is the young undocumented immigrants. These are the individuals who came to the country through illegal means accompanying their parents; and who as a result, have grown up, study in the United States and in most cases have no connection to their home countries, while at the same time, lacking the necessary legal documents to apply for student aid, scholarships, jobs and even a driver’s license. When they graduate from high school, these people face the prospect of either entering the underground economy or go back to a country that is in most cases totally foreign to
them. As it has been stated throughout this thesis, they are not responsible for being in an illegal residence situation, plus they have developed all sorts of social connections to the United States by growing up there, going to school and taking part in community life.

In order of addressing the legal reality and living prospective of these individuals, a number of public policies have been proposed at different levels of government in the United States. The most known of them has been the DREAM Act. The U.S. Congress has debated in a number of times said bill, which would provide legal residence status to a number of immigrants that fulfill some criteria and who after applying for coverage of this legislation go to college or into military service. However, this bill has failed to be enacted in each of the last 6 Congresses. In addition, some states have also proposed and enacted legislation that allow these young undocumented immigrants to pay in-state tuition if they have graduated high school in said state and have been a resident for a specific period of time.

Nevertheless, these policies have faced a fierce opposition from a well-organized and abundantly funded conservative political coalition. Using media outlets, public officials, research institutions and known academics, this coalition has directed a discriminatory and racial oriented campaign against immigrants in general, especially those from a Latino background and most viciously against those present in the country illegally. It has helped create a perception in a group of the U.S. society that these Latino immigrants are an economic burden and set to destroy the values of the so-called American “nation”. This image of the immigrants have facilitated the persecution of these individuals, as well as the creation of policies that prevent them from having access
to the same rights and protections as the rest of the citizens of the country, even if various studies have shown their important contributions to the economy and society in general.

Additionally, there are important economic interests who benefit greatly with the presence of unauthorized immigrants and also with the recent trend in various states of anti-immigrant legislation. Most individuals take the decision to migrate based on economic needs at home and also because of the good prospect of finding a job in the receiving country. There are a significant number of companies in the United States that make important parts of their profits from the work of undocumented immigrants, whom are not receiving the same salaries, benefits and protections than the rest of the working population. These enterprises are heavily interested in maintaining these immigrants in a sub-class condition in order to continue to exploit them economically. Moreover, other industries are also looking forward to cash-in with the enactment of these state harsh proposals.

This racist campaign against Latino immigrants, together with the powerful economic interests that want to maintain these immigrants as a sub-class of economically exploited labors, have become a major obstacle in the debate of measures like the DREAM Act towards the young undocumented immigrants. However, even with this ruthless opposition, there are also public officials, research institutions and community organizations who are committed to provide this particular group of individuals with the opportunities to improve their future prospects in the United States. At the center of this effort is the continuous fight to finally enact the DREAM Act.

Nonetheless the outcome of possible incoming intentions of approval of legislation aimed at addressing the living conditions of these individuals, the DREAM
Act is for me a proposition that gives the opportunity to progress to these young people, but above all, it is an instrument of justice for a group of human beings that are in a vulnerable and tragic situation. Furthermore, I consider this is a smart and comprehensive proposal since it helps resolves a situation for people already living in the country, while not encouraging further future unauthorized immigration.

I consider that these individuals are living in an unfair and damaging situation that is preventing them from a chance to a bright future and contribution to society in the United States. I do not think that they should be penalize by requiring them to abandon their families, friends and social environment, which in many cases is all they know, especially when they are willing to study or go to the military to improve their possibilities of being productive people. However, in order to be able to defeat the strong conservative political coalition, I still consider that politicians and interest groups need to do a better job to increase the support of additional sectors of the society for this and other measures affecting these individuals.

In conclusion, the immigration debate in the United States, as in many countries in the world, has become such a polarizing debate in which a comprehensive and real transformation of the system does not seem plausible in the near future. To solve this situation, I believe it is critical for those groups that support immigrants’ rights to use an economic approach to change or contrast the present perspective of a notable and vocal political group about the immigrants. In the United States, in the usual speech used against groups of immigrants, the argument of the cost that represents every immigrant to the country and the effect in areas of public welfare, where there are limited resources, such as public health, is always mentioned. However, these critics do not take into
account, deliberately, that these immigrants are contributing to the country and the economy and that they usually are not applying or searching for public services because of the fear of being deported. (Simon, 1995)

As Alberto Recarte says in his article *The Contribution of Immigrants* in the Spanish magazine La Ilustracion Liberal: "Immigrants survive, work, consume and save in many different occupations, for which they may be prepared or not, but in which their contribution is evident, because they often do so occupying or creating jobs for which there is demand-the ones nationals are not willing to do with those wages- in exchange for a wage that allows them to survive and, with some luck and based on many sacrifices, save and transfer money to their families of origin." (2002) The amount of tax dollars not received, the direct and indirect unemployment and other economic repercussions that would be produced with the elimination of jobs done by undocumented immigrants will definitely lead to a negative result for the country as a whole. This reality needs to be made clear to the American citizens in order of increasing the understanding of the contributions that these unauthorized immigrants bring to the U.S.

The situation of unauthorized immigrants in the United States must be resolve soon with a comprehensive reform that takes into account their condition as human beings as well as the national security. But not the national security based on a disproportionate fear of the foreigner, but on the importance on national security of having a strong economy in which clearly the immigrants compose a vital part of.

However, the real prospect of a comprehensive immigration reform in the United States in the near future seems highly unlikely due to the extremely politicized atmosphere regarding this topic in the country. Nevertheless, the legislation in favor of
young undocumented immigrants should not be such a controversial subject. The enactment of measures to ease their conditions is urgent since every year 65,000 young individuals, who have grown in the United States, are faced with the cruel reality of being an undocumented in the country.

Finally, as mentioned in the Introduction, the young undocumented immigrants in the United States is a particular group of individuals with which I had personally the opportunity to work in the development and discussion of public policies directed at their unique legal condition. After concluding this thesis and being involved with this group of people for a number of years, I have strengthened my belief that in the end, the issue of young undocumented immigrants should not be seen as a charity towards them. This is about justice.
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